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QUARTERIJES Vol. 2. No. 4 (October, 1919)

Vol. 2, No. 4 (October, 1920)

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THE LOUISIANA HISTORICAL QUARTERLY

Vol. 12, No. 3

July, 1929



Entered as Second Class mail matter June 6, 1917, at the post office at New Orleans, La., under Act of August 24, 1912.

Subscription \$2.00 per annum, payable in advance. Address Louisiana Historical Quarterly, Cabildo, New Orleans, La.

Ramires-Jones Printing Co. Baton Rouge, La. 1929

R. W. Colosia

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THE LOUISIANA HISTORICAL QUARTERLY

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THE FOREIGN LANGUAGE PRESS OF NEW ORLEANS

By JOHN S. KENDALL.

In the early days of the last century, the population of New Orleans was extremely diversified. Not only were there the French and American elements, but large colonies of Irish, German and Spanish also existed. The Irish were located chiefly in what is still known as the Irish Channel—in the neighborhood of Constance and Euterpe streets. The Germans were established principally on the streets near the river around the foot of Jackson Avenue, in what was then the City of Lafayette. There were also considerable settlements of Germans in the Faubourg Marigny, now the Third District of New Orleans. The French, of course, occupied the "Vieux Carré de la Ville"—the oldest part of the city. The Americans were for the most part located in the Faubourg Ste. Marie—the new section of the city built up through the energies of J. H. Caldwell, S. J. Peters, and their associates, aided and abetted, strange to say, by that typical Creole, Mayor Roffignac. But there seems never to have been any particular section of city which was specially the home of the Spanish.

Each of these groups constituted a little separate, linguistic entity, the idiosyncracies of which were reflected in the local newspapers. New Orleans at that time had a fairly numerous press, including newspapers published in English, French, German, and Spanish. These journals were issued from offices near Canal Street; some in the Vieux Carré, for the most part on Chartres Street, and these included all the French papers and a few of the more influential English publications; while others especially the English papers, were located near Canal, on Camp Street. The Spanish papers, few of which outlived their youth, were issued from various printing offices; but as no files of these journals, even of the admirably written and enterprizing

Informador, are known to exist, we can say very little about them. Old directories neglect to give the location of the editorial offices of these periodicals. One of them, La Union, figured in the sensational "Spanish Riot" of 1851. La Union published some harsh criticisms of López, Critenden and the other filibusters who were executed at Havana in September of that year. As these men were well known in New Orleans, a mob of their admirers sacked the office, destroyed the presses, and put the paper out of existence.

Some of the first papers established in New Orleans were Spanish. El Misisipi, for instance, was published here from 1808 to 1810. It was a semi-weekly, of quarto size, and was issued partly in Spanish and partly in English. It bore the imprint of William H. Johnson and Company. El Mensajero is known to have been issued as early as 1810. The most celebrated Spanish journalists in New Orleans were Don Emilio Torribio and Don Leopold Turla, the latter a famous Cuban poet. Torribio came to New Orleans in 1856, and was for a long time secretary of the Spanish Consulate here. He eventually returned to Havana and when he died there, in 1882, was on the staff of El Diario. Turla, whose poems did so much to stir up the Cubans to revolt against the Spanish, came from Charleston, S. C., to New Orleans in 1852 and died here in 1877.

The most important of New Orleans' foreign language newspapers were L'Abeille de la Nouvelle Orleans (the New Orleans Bee) and the Deutsche Zeitung (German Gazette). Both were established in the period preceding the Civil War, and both continued to exist well into the present century. Each was the last survivor in a numerous group of publications respectively in the French and German tongues. In its later years the Bee lived chiefly upon the income from the publication of judicial advertisements, which the law then required to appear both in French and English. When in 1916 the State Legislature repealed this law, the Bee sustained a mortal blow. Thereafter its existence was precarious, and although its affairs were handled with the utmost skill by its editors and publishers, in the end its treasury could not stand the strain, and it was compelled to suspend publication.

The demise of the *Bee* was also due in part to the gradual disappearance of the clientele which it had so long and so faithfully served. French was a living language in New Orleans

down to the Civil War, but thereafter it was used less and less, until with the turn of the century, it survived more as an elegant tradition than as a living medium. The German Gazette disappeared from almost identical reasons. The number of persons who spoke German as a native tongue grew steadily smaller in New Orleans; and the paper's circulation fell off year after year, until it, too, found itself unable to meet its expenses. Then came The World War, and gave it the coup de grace.

Naturally, in the first half of the last century, the French population being then little less important than the American, the number of papers published in New Orleans either wholly or partly in French was very considerable. Most of them had a very brief existence. We need recall here only those which survived an appreciable length of time. The Trumpeter, for example, ran through the years 1811-1812. The Chronicle was published from 1818 through 1819, under the editorship of C. Morane Toulouse, who had been one of the editors of the old Moniteur. In 1829 appeared the Journal du Commerce, which was printed entirely in French, and edited by Benjamin Buisson, a graduate of the Ecole Polytechnique, in Paris. The Journal du Commerce flourished for three years and then was discontinued. L'Orleanais which was published partly in French and partly in English, made its appearance in 1842 and suspended publication in 1857. Le Franco-Americain was established in 1848 by Réné Masson. Its editorial office was on Chartres Street. It passed out of existence in 1849. Masson then went to Mexico, where he subsequently founded Le Trait-D'union, a newspaper which had considerable circulation and exercised some influence in the capital of that country.

Papers which had a still briefer lease of life were L'Union, the first number of which was published on February 1, 1858; Le Temps, which made its bow to the public shortly after the suspension of L'Orleanais, and said farewell only nine months later; and during the Civil War or shortly thereafter Le Courier Francais, L'Estafette and L'Etoile du Sud. The Union was written wholly in French and aimed to be a serious literary publication. It was edited by E. Dumez, who eventually became editor of the well-known weekly, Le Meschacèbé, subsequently owned and edited by Charles Lesseigne in the Parish of St. John the Baptist. Dumez had for assistants two other talented writers, Leon Laugrin and E. Lamullonaire. The Union was published

by a stock-company, and seems to have been the first New Orleans newspaper which was projected as a business enterprise,

rather than as a purely personal organ.

Le Temps was published partly in French and partly in English. The French section was under the editorship of Paul Villars, who had made a fine reputation as one of the editors of the defunct Oleanais; and the English section, under that of a man named Brennan. The Etoile du Sud was a political venture, and had a French section edited by Placide Canonge, the distinguished poet and critic, whose work for the Abeille we shall have occasion to mention further on.

Much the most important of the ante-bellum foreign-language journals published in New Orleans, however, was L'Abeille de la Nouvelle Orleans, or the Bee, to which we have already referred. In one way or another its history can be traced back almost to the very beginning of journalism in the city. The ancestor of the Bee was L'Ami des Lois, a journal issued in English and French, which was founded in November, 1809. The earliest copy of L'Ami des Lois which I have been able to find bears the date of January 18, 1810, forms part of Volume 1, and is number 25. This paper was first issued as a tri-weekly by Leclerc & Co., with the first two pages in French and the last two in English. Not until May, 1815, did it venture to make its appearance as a daily, and then it was with a title changed to read L'Ami des Lois et Journal du Soir. When, in 1821, the paper was sold to James M'Karaher, the title was again changed, this time to L'Ami des Lois et Journal du Commerce. It reverted to the tri-weekly form for a short time in 1820, under the proprietorship of A. DuBourg and Cherbonnier, but, early in the following year, it resumed publication as a daily.

On the 20th of September, 1822, the name was again altered, this time to The Louisianian and Friend of the Laws. At this time it was a small four-column folio, printed in part in English. At the period named it was published by Michel De Armas and J. B. Maurian. On the fifteenth of April, 1824, the paper then being owned and published by Manuel Crozat, it ceased to appear under the name of The Louisianian, but four days later, that is, on the nineteenth of April, it made its reappearance under the name of the Argus. The type and material were the same as used in the previous issue, the advertisements were the same, and to all intents and purposes it was the identical

journal. The new paper was a small folio of five columns printed in English and French and furnished to subscribers at ten dollars per year. On the seventh of August, 1834, the *New Orleans Argus* became the *Louisiana Whig*, being Whig in politics, and was issued from No. 70, Chartres Street. During the year the paper was enlarged to six colums, folio.

On the first of March, 1835, the name of *The Whig* was changed to *The Bee*. The proprietors of the *Bee*, however, never claimed a date for the establishment of their paper earlier than 1827. But there can be no question that it was the successor and continuer of the old *Friend of the Laws*, and when the *Bee* was discontinued, in 1924, was thus not only the oldest extant newspaper in New Orleans, but in the state of Louisiana, and one of the oldest in the United States.

The year 1827 was an exceptional year in Louisiana, in the sense that in that twelvemonth there was an extraordinarily large number of immigrants who established themselves in the state. Amongst the new comers were many young Frenchmen of excellent education. It is probable that these large additions of French-speaking settlers to the population made the success of the Bee certain from the day the first number appeared with that caption at the head of the front page. The editorship was confided to François Delaup, a native of St. Domingo, who came to New Orleans originally in 1809, and who was by trade a printer. At that time, the only paper in New Orleans published exclusively in the English language was the Orleans Gazette; but as we have said, there were several in French, or partly in French and partly in English, and from these the Bee encountered a lively competition.

The Bee was originally a sheet 18x22 inches in size, with a makeup patterned after a Parisian paper as closely as the resources of the editorial department permitted. The office was first located at No. 94, St. Peter Street, between Royal and Bourbon, a site which was then in the very heart of the "carré de la ville," or oldest and most aristocratic part of the city.

In 1829 the fact that war had broken out between Mexico and Spain, and the presence in New Orleans of large numbers of Spanish refugees from the former country, made the news about those two nations of prime importance. Accordingly, the proprietor of the *Bee* added a Spanish section to his paper, which appeared under the triple title of *L'Abeille*. The Bee, and La

Abeja. Except for a Spanish edition published for a short time by the *Times-Democrat* in the late '80s, I think this is the only time when a Spanish section has figured in any of the New Orleans newspapers not completely written in Castillian.

In April, 1830, the editorial and publishing offices of the Bee were removed to the corner of Chartres and St. Louis Streets, across the way from the old Maspero Exchange. A little later they were again removed, this time to Chartres street, between Conti and Bienville, to a habitation which remained the home of the newspaper down to its sale to the Times-Picayune. On July 27 of that year the paper was acquired by a group of three well-known journalists, who formed a partnership for this purpose under the name of J. Bayon, Delaup et Cie. In September the paper was enlarged to 30x48 inches, eight columns to the page; and as the majority of the Spanish refugees had by now departed, the Spanish section was suppressed. In the following March, Delaup sold his interest to Bayon and to an associate of his, named Duclere. Delaup lived till 1878, and died at the age of 80.

Bayon was an able man. On May 4, 1831, a new arrangement was made by which he became sole editor and proprietor, a joint post which for eight years he continued to occupy with honor and profit. In January, 1839, however, he withdrew, from the enterprise, and the paper was sold. The new owners were Alexander Bullitt, afterwards prominently connected with the Picayune; and a man named Magne. A little later G. T. Weisse was admitted to partnership. Bullitt was a native of Kentucky, and a graduate of Transylvania University. Educated for the law, he practiced for several years in his native state. But the seductions of politics and devotion to his political idol and popular compatriot, Henry Clay, drew him into a number of heated presidential campaigns. In 1832, going to New Orleans in the interest of Clay's candidacy for the presidency, by his boldness, brillancy, and eloquence he made such a profound impression upon the Louisiana Whigs as to be invited to take charge of the English section of the Whig organ, the Bee. His vigorous pen had the keenness and effectiveness of a Damascus blade. He soon made the paper a power in State politics. It was during this incumbency that he became involved in a controversy with Peter K. Wagner, which resulted in a famous but bloodless duel. In 1844, upon the defeat of Clay in the presidential contest with

Polk, he left the *Bee* and became one of the editors and partners of the *Picayune*, where he displayed his wonted ability.

In the *Bee* for November 11, Bullitt published a few lines of farewell to his numerous readers. His place on the editorial staff was taken by Dr. Samuel Harby, a native of South Carolina, who had been for some time a contributor to the paper. Harby was a college graduate, a very scholarly man, and his editorials were greatly esteemed on account of their classical taste and elegant style. Magne and Weisse became sole proprietors as a result of Bullitt's retirement. But in October, 1866, Weisse, who had been living for some years in France, sold his interests in the paper to two of his old associates, and shortly thereafter, two new names, Dufour and Limet, appeared at the head of the editorial page as owners.

Numa Dufour was a native of New Orleans, and had been for some time connected with the editorial department of the Bee. Limet was a Frenchman, and before settling in New Orleans had practiced law in Paris and Rouen. He had had considerable experience as a journalist before coming to the Bee, first on the old Union and then on the Louisiana Courier. He was considered an elegant writer. The partnership of Dufour and Limet continued down to the death of the former in August, 1894. Limet died in Paris two years later.

This hasty account of the ownerships through which the Bee had passed gives no idea of the many brilliant men who had been at one time or another connected with it as editors or contributors. The paper first appeared, as we have said, partly in French, and partly in English; and the first editor of the French section was Baron Réné de Perdreauville, a member of the old French nobility, who had been a page in the service of Marie Antoinette, and who after harrowing experiences as an emigré during the Reign of Terror, returned to France during the Empire, and became governor of the pages under Napoleon I. Perdreauville wielded a clever pen. His career as editor lasted from 1827 to 1828.

Then for a year his place was filled by Martin Maillefert, a former cavalry officer in the French army, who had experimented with journalism in the French capital, and had a number of dramatic works to his credit. Maillefert had been compelled to leave France for political reasons, and when the Revolution

of July gave him the opportunity to return, in 1830, he promptly departed from New Orleans. Later on, the French government appointed him consul at Barcelona.

About 1830, the Bee counted among the members of its editorial staff a young Louisianian, Thomas Théard, father of Judge Paul E. Théard, at one time "controleur" of the city. The editorship of the French section of the paper then passed into a succession of hands, and finally was committed to those of Louis Caboche, a teacher of French, who eventually abandoned both journalism and teaching to become the first homeopathic medical practitioner in Louisiana. Among those who at this time were for brief periods in charge of the French section were Charles Bayon, a native of the city, brother of the Joseph Bayon mentioned elsewhere; and another French teacher named Granet.

Finally, in 1839, Magne, who had just become part-owner of the paper, took over the editorship of this part of the paper, and gave it the conscientious attention which had distinguished him in his earlier years, when a practicing attorney in New Orleans. In 1845 he entrusted the editorial work to Paul Arpin, the brilliant French writer, who retained it for three years.

Then for twelve years Numa Dufour presided over the editorial destinies of the paper. But as Dufour had many other interests, and was frequently compelled to absent himself from the office, he attached to his staff Xavier Eyma, an exceedingly clever writer, who had come to New Orleans from the West Indies. Eyma was well-known as a novelist, and had been a popular writer on the Paris papers, notably on the Moniteur de la Flotte and Figaro. Eyma's connection with the Bee lasted over a period of nine months.

When in 1860 Dufour undertook the management of the paper, he turned over the editorial work to Limet, who, beginning in 1860, for a period of seventeen years retained this responsible position, being assisted most of that long time by Paul, Villars. Villars' connection with the *Orleanais* and with the *Louisiana Courier* has been mentioned. Previously he won distinction in Paris, as a contributor to the *National*, in the period before 1830, when Armand Carrel was editor of that brilliant sheet.

The Bee was opposed to the idea of secession, and foresaw the melancholy results which were bound to follow a conflict with the powerful factions of the North; but once the State of Louisiana had thrown its lot in with the Confederacy, it supported the cause of the South with all its ability. After the war was over, it fought valiantly to mitigate the abuses of the Reconstruction period. It thus became an important organ of the Democratic party in the State at a time when that honor was not without peril. Previous to the Civil war its politics had been Whig and conservative; it remained conservative in its championship of the Democracy. The ability of its editors and the fearlessness with which they spoke out on all occasions, made the Bee, down to the latter years of the century, a periodical of real distinction and influence.

In 1882, Limet retired from journalism. He sold a moiety of his interest in the Bee to two of his associates, Oscar Donnet and Edgar Dufour, and went to France to reside. Dufour and Donnet were brothers-in-law. Three years later Dufour died, aged 73, and in 1893 Donnet also passed away at a ripe age. These successive deaths created a very complicated situation as to the ownership of the paper. To straighten this out Numa Dufour, who was still connected with the staff, arranged for Limet to transfer the interest which he still retained, to a stockcompany, to be known as the New Orleans Bee Publishing Company. To this corporation Dufour also ceded his own share in the paper. He, Limet, and a young man named Armand Capdevielle, who was admitted to partnership at this time, were the only stock-holders. This adjustment was successfully effected, and the company was, for a number of years thereafter, the legal proprietor of the paper. Numa Dufour continued to serve as editor-in-chief. On his death-bed he selected Capdeveille as his successor, and it was the latter, therefore, who directed the Bee from that time on to his own death in 1912, at the age of 60.

Armand Capdevielle was a native of New Orleans and spent his entire life in this city. He was the son of Augustin Capdevielle, and brother of Paul Capdevielle, at one time mayor of New Orleans, and, later on, auditor of the State of Louisiana. Armand was intended for the profession of the law, and was carefully educated with this idea in view, but he did not take to that kind of life, and never practiced. On the contrary, as soon as he left the law school, he found employment on the Picayune, first in the counting-room and then on the editorial staff. He did not go to the *Bee* until about the year 1872, but thereafter was continually in its employ. He was first a reporter, but about 1887 he was made managing-editor, and it was his

unusual ability as writer and business-man—a rare combination—that kept the paper alive as long as it actually survived. When he died the capital of the *Bee* was still intact and its affairs were found in a flourishing condition.

Capdevielle was a man of remarkable personal courage. He had also much charm of manner, and was extraordinarily popular in social circles of all kinds. He was conspicuous in all of the famous New Orleans carnival societies. He was an intimate friend of Admiral Schley, the hero of the naval battle of Santiago, and often entertained him in his delightful home in New Orleans. In recognition of his efforts to keep alive the French language and culture in Louisiana, the government of France conferred on him the cross of the Legion of Honor only a short time before his death.

Messrs. Elmore Dufour and Andrieux, who succeeded Capdeville in the control of the Bee, were less fortunate than he. They came at a critical time, when the life of New Orleans was changing, and they had, therefore, to face many problems to which Capdeville was never required to give attention. eventually compelled to introduce improvements in the mechanical department of the paper, at an expense which they were unable either to check or to meet. Part of this was due to the use of the linotype. Up to this time type had always been set on the Bee by old French compositors, some of whom had spent their lives in the service of the paper. As they died off, their places were taken by workmen unacquainted with the French language, and under the rules of the Typographical Union, of which they were members, they had to be paid double compensation for matter set up in a foreign tongue. This arrangement proved a great hardship for the Bee, and was one of the many factors which made for its eventual extinction.

The ownership of the paper continued to be lodged in the stock company down to the sale of the Bee to the Times-Picayune. But after Capdevielle's death the controlling interest in the corporation was acquired by Colonel Hughes J. de la Vergne, who, in the last days of its independent existence, may be said to have served as editor of the paper. A man by the name of Baroncelli, who had for years published a weekly with the title of La Guêpe, and who wrote a short history of the French Opera House which is something of a bibliographical curiosity nowadays, was for a brief period set up as head of the editorial department,

but he soon disappeared, and Colonel de la Vergne took his place. De la Vergne was a wealthy New Orleans attorney, who boasted of his descent from Count Pierre de la Vergne, a chevalier of the Order of St. Louis, the first of the family to settle in Louisiana, which he seems to have done in 1766.

But, as we have said, the declining importance of the French language reacted unfavorably on the Bee during these years. Its circulation was falling off, and its expenses mounting rapidly. Col. de la Vergne eventually sold it to the Times-Picayune, by which it was published as a weekly for some time, under the editorial direction of Andre Lafargue, a New Orleans attorney, who was also active as chancellor of the French consulate in this city. This proved so unprofitable that in 1925, it was decided to cease publishing the paper, which accordingly passed out of existence, within two years of rounding-out a century of life under its own name, or, if we date its history from the days of the Ami des Lois, at the respectable age of 116 years.

We ought not to dismiss the story of the Bee without some reference to the men, who, apart from those already mentioned, contributed to its columns. Among these, it is said, was the famous French novelist, Alfred Delpit, who was born in New Orleans, but went to Frence when a young man, and made a sensational success in literature there. We have mentioned L. Placide Canonge, who wrote criticism of the French Opera over a long period of years. Canonge had been educated in France and had an unusually intimate knowledge of music history. His critical work was of a high order of literary excellence. He must have been connected with the Bee as early as 1855, and he was still writing for it about the French Opera when he died, in 1913. His place was then taken by Henry Dubos, a versatile writer and highly accomplished musician. Dubos was in his turn replaced by Bussière Rouen, an equally scholarly critic, but he resigned at the end of four years, and after that this particular department of the Bee lost quality sadly.

Another frequent contributor was François Tujague, a Frenchman by birth, but who spent almost his entire life in New Orleans, a good part of it as President of the Union Française. Tujague was a versatile writer, and although a self-made man in every sense of the word, had acquired a very extensive culture. He died about the year 1900. Duverdun is still another whose name should be mentioned. He was something of an invalid, but

was master of a very charming prose style. These men were all closely identified with the paper. But besides them there were many others who contributed occasionally, of whom perhaps the chief was Dr. Alfred Mercier, the poet and novelist.

It was principally between 1845 and 1854 that the German immigration to New Orleans took place. Large numbers of Germans, driven out of their native land in consequence of the Revolution which began in the former year, came to the city in the course of that decade. Some of these strangers lingered in the city only during the winter, and then, with the coming of milder weather, pushed on into the then unsettled regions in the West. But the larger portion made their homes permanently in New Orleans, adding greatly to its stability and prosperity. It was for the benefit of these newcomers that, on August 1, 1848, there was established a newspaper which, under the name of New Orleaner Deutsche Zeitung, or, in English, the New Orleans German Gazette, was destined to have a long and, on the whole, prosperous life, and to become, during its latter years, the only publication of its kind in the United States south of the Ohio river.

The German Gazette, as it was commonly spoken of among the newspapermen of New Orleans, owed its existence to Joseph Cohn, a notary by profession, who also owned and managed a job-printing office at the corner of Poydras and Tchoupitoulas street. Cohn's patrons were mainly people of his own nationality; the work done in his shop was almost entirely in German; and it was natural that with the advent of so many Germans, the idea should have occurred to him to start a journal which would supply them with news of the country of their adoption, in the only language which the majority was able to read.

Cohn's connection with the *Gazette* was, however, brief. He seems not to have found the enterprise profitable, and on March 1, 1853, he parted with the property. It was acquired by the firm of Peter Pheiffer & Co., a stock company organized for the purpose, and composed of the printers who had been in Cohn's employ. Among these men was Jacob Hassinger, who was made president of the new corporation. Under his direction its business began to flourish. Hassinger became a wealthy and influential banker. In 1866 he purchased the *Gazette*, and was its sole proprietor down to May, 1889, when he turned the business into a stock-company, retaining, however, the presidency.

Cohn appears to have been the first editor of the paper, but in 1853, when he left the office, that branch of the work was taken over by Eduard von Gabain, an ex-German army officer. He was the editor down to his death in 1858. He is said to have been a man of a great deal of literary ability. He was succeeded by George Foerster, also a distinguished writer and a forceful and interesting personality. Foerster came to New Orleans from the northern part of the United States, and although of German extraction, was fully imbued with the ideas which then existed in that section, regarding slavery and States' Rights. His views freely ventilated in the columns of the Gazette speedily aroused a storm of opposition, and Foerster found it desirable to leave New Orleans and return to the North.

Foerster's departure took place in 1860. After working for a short time on pro-union newspapers in St. Louis and Chicago, he went into the Union army, fought bravely in the Civil war, and was finally promoted to a captaincy. In 1866 he returned to New Orleans, resumed his post at the *Gazette*, and retained it until his death in 1896. Sentiment had softened in the interval, and Foerster also had mellowed with the lapse of time; so that this second tenure of office at the *Gazette* was marked by no such disagreeable incidents as had characterized the former.

During Foerster's second term as editor, he had on his staff two reporters, named, respectively, Beckro and Sibilsky, the former well known in New Orleans for his humorous writings, signed "The Teutonic Philosopher," or rather, the German equivalent of that name. On Foerster's death, Sibilsky succeeded him at the head of the paper, and remained in charge until it ceased publication. Sibilsky, I should add, was a man of considerable talent. He originated for the Gazette the "Miller and Schultz" feature, which was widely read and greatly enjoyed by a generation of Germans in Louisiana. The "Miller and Schultz" article always filled the last column on the front page of the Gazette and was headed by a wood-cut of a fat little fellow in conversation with a tall, thin individual, who were supposed to be the prototypes of the two leading characters in the text beneath.

When Sibilsky became editor of the *Gazette*, his place on the reportorial staff was taken by John Weichardt, one of the cleverest men ever connected with the German press in New Orleans. Weichardt entered newspaper work in 1867 as a reporter on the *Deutche Presse*, a paper which was started shortly after the close

of the Civil War, in rivalry to the *Gazette*. Weichardt never obtained perfect command of English as a spoken language. To the end of his days his speech was characterized by a broad German accent. But he wrote English with ease and taste, and being a remarkably active, energetic, diligent man, with a fine memory, brilliant in repartee, always in a good humor, and full of animal spirits, he became very popular with every class of the population.

The judges of the Courts, where he spent much of his working hours, trusted Weichardt implicitly. Many an evil-doer brought before the bar might have escaped with a light punishment, had it not been for Weichardt. He had their records stored away in his unusually retentive memory. A little note often found its way from the reporter table to the judge's desk, which enlightened the inexperienced magistrate about the character of the accused; whereupon a sentence would be handed down that, perhaps, the merits of the case did not justify, but which the offender's past, thus recalled, made proper and frequently necessary.

The *Presse* lasted only a year or two. There were not enough Germans in New Orleans to support two German daily papers, and the *Gazette* had entrenched itself too thoroughly in the affection of the colony to be displaced. Weichardt's principal work on the *Presse* was a column of humorous writing, which he signed "Blumenkoenig." It was as "Blumenkoenig" that he was first widely known; afterwards, on the *Gazette*, when he wrote under the name of "Quicksilver," this non-de-plume obscured the earlier one, but by each of these names he was better known than by his own. Weichardt's connection with the *Gazette* was interrupted by employment on other contemporaneous publications, but he constantly returned to his affiliations with the local German press.

One job which Weichardt took on was that of supplying the *Item* with the police, city-hall and court news. His speed was marvelous. Thanks to it, he was able to "cover" all three of these "details" adequately. At one moment he was prying out facts in the Third Distract (lower section) of the city; the next, he would be busy in the Fourth, miles away. He always wore a boutonniere. Hence, some people who called him the "king of flowers," thought that the name was connected with that amiable practice, not knowing his German pen name. One of his devices to get news was to open all mail of the mayor, who was then General W. J. Behan. Presuming on the mayor's friendliness, he not only pe-

rused the official mail, but even wrote suggestions for answers and then printed stories based on his greater presumption that the mayor would follow his advice.

Weichardt devoted a good part of his energies to perpetrating jokes on others and to telling funny anecdotes. Practical jokes were Weichardt's forte generally, and nearly every journalist of his day suffered at his hands. He had stored away also in the back of his head any number of amusing stories, and, his fellow reporters claimed, he made practical use of them. They were free to declare that Weichardt never passed a coin across the counter in payment of a glass of beer, although he drank more beer than necessary, even for a German. If his memory is not slandered, it was his custom to enter a saloon, and approaching the bar begin to talk, the delighted barkeeper or one of the patrons seeing that beer was provided to keep his vocal machinery in good working order. This would continue until "Quicksilver's" thirst was satisfied, when he would stop his flow of merry quips and yarns, and leave to "take up his assignment."

"Quicksilver" was prompt to perceive and eager to take advantage of the peculiarities of his newspaper friends. For example, Mark Bigney, editor of the Item, had the banquet habit to an inordinate degree. He attended every banquet given in New Orleans, regardless of the character of the viands. He was equally eager to sit before a menu that cost \$50 a plate, or one that involved an expenditure of only fifty cents a guest. And for all of these banquets he trained as faithfully as a champion prizefighter. On the day of the feast he would eat neither breakfast nor lunch, that he might be in condition to do justice to the viands supplied at the banquet. Bigney was also a poet who could write clever verse, but who acted as a sort of poet laureate on occasions too numerous to admit of continued excellence of product. He was always prepared, and expected to respond to the toast "To the Press" at every dinner, and always wrote a poem for the occasion. Weichardt knew these things and waited his opportunity. A banquet was eventually announced for some visiting celebrity, and Bigney prepared for it in his usual manner, including the composition of a poem. "Quicksilver," too, was prepared. He secured a seat at the table next to Bigney's, and at once engaged him in conversation, after having previously primed some of the other guests. The table was covered with the usual hors-d'euvres. "Quicksilver's" line of attack was something like

this: He complained to Bigney that it was various kinds of a confounded shame that the affair had fallen through; it was, indeed, a reflection upon the hospitality of the city. The men who had agreed to subscribe to the banquet had, for some reason, failed to pay up, and hence the elaborate meal intended for the distinguished visitor had degenerated into the cold luncheon which Bigney saw before him.

"Well," sighed "Quicksilver," in conclusion, "I have eaten nothing since breakfast, and must make the best of the situation," and he began to consume olives and other small game; an action which Bigney, who had had nothing to interfere with his appetite since the evening before, quickly imitated. When Bigney was fully committed to his attack on the hors-d'oeuvres Weichardt slowed down, and was not half as busy in reality as he managed to appear. Bigney, however, was eating in earnest. He soon cleared the table within arm's reach on either side. When the board was bare and his hunger appeased, the band struck up, and then a file of waiters bearing soup, fish, and endless other good things came in. They deposited their rich and abundant burden on the tables. Bigney could only look at them with a lackluster eye. His plate at each course was returned almost untouched and his only participation in the banquet consisted in drinking the wines provided.

He consoled himself, perhaps, with the knowledge that he would be called upon to respond to the toast, "The Press," and could finger from time to time the poem in MS. in his pocket. But even this gratification was denied him. When the toast-master called "The Press," and was about to request Mr. Bigney to respond, "Quicksilver" leaped to his feet, and saying, "Gentlemen, I wish to respond to that toast," drew a MS. from his breast pocket and read verse after verse until the banqueters were heartily tired of "The Press" and would have lynched any one who attempted to speak further on that subject.

Jovial, kindly, pulsing with life was old "Quicksilver." He started life in Germany as a gardener, and was not ashamed of his humble beginning. On one occasion he visited a German ship temporarily in the port, and was invited to dinner. The familiar German dishes recalled the Fatherland to him, and awoke his patriotism. He thought it the best dinner he had ever eaten, and to a group of reporters at police headquarters he was descanting on the excellence of the meal and describing German dishes of

which his companions had never heard. In the group was André Burthe, then police reporter of the *Times-Democrat*, a person quite the opposite of "Quicksilver." Burthe was of an old, distinguished family, and his boast was that one of his ancestors was a general in the French Army, before the Revolution. Burthe was a gentleman, companionable with his associates, but disposed to be haughty and remote with others.

When "Quicksilver" was telling of the dinner, Burthe, who was writing, became annoyed, and said petulantly, "Weichardt, I

have heard you tell that story four times."

"Burthe," responded "Quicksilver," "I have heard you talk of your family until I know the color of every mule your grandfather owned, and can call every slave of your father's by his first name. And I have never complained. Now, Burthe, I wish to say that I started life as a gardener and have not risen very high, but if one of my ancestors had been a general in the reign of the Louises, I would be ashamed to be rushing around town like you, to find out how a nigger got shot in a crap game."

Burthe subsided, crushed by the retort.

Weichardt was the first newspaperman in New Orleans, and, perhaps, in the country, to start syndicate work on newspapers. Over sixty years ago he began to supply all the local papers with court records, and other routine news that did not require special "writing-up." "Quicksilver" in his later years was appointed a kind of free lance on the *Times*, that is, he helped in the police courts, criminal courts and in other capacities. He died in 1895, going to his grave in Greenwood Cemetery with a splendid reputation as a reporter.

Sibilsky died in 1888, and Ferdinand Seinecke, who had previously been on the staff of the St. Louis Anzeiger des Westen was promoted to the editorship of the Gazette. Seinecke held this position down till 1908 when the Gazette, as a result of the slow but inevitable change in its business to which we have alluded, was forced to suspend publication as a daily, though for a while it was continued in a weekly edition. The number of Germans who were dependent upon the paper for their news grew steadily smaller. With this decline in the subscription list came a corresponding curtailment of the advertising patronage. At last it became obvious that the paper could be carried only at a loss, and so, reluctantly, in 1914, on the outbreak of the war with Germany, it passed out of existence.

In Sibilsky's time the members of the staff included Hugo Moeller, who, prior to coming to New Orleans, had been editor of the *Texas Post;* Bartels, whose newspaper training had been obtained in St. Louis; Kessel, who was from Milwaukee, and Wichers, who came originally from Chicago. Wichers was an extraordinarily versatile person. I have known him to prepare in German an account of a meeting held in English, and do so while the meeting was in progress; turning whenever the proceedings were momentarily uninteresting, to work on other items based on the supply of clippings from the afternoon papers which he always carried in his pockets for the purpose. Apparently he could do four things at once without becoming confused.

The most important event in the later history of the Gazette was the fire which, on April 15, 1897, destroyed its plant and—an irreparable loss—consumed its entire file from 1865 to the date of the disaster. This was the famous fire when the cast-iron edifice, known as the Moresque building, which New Orleans fondly imagined fireproof, burned up as readily as if of wood. At this time the Gazette was housed in a four-story brick building on the river side of Camp street just above Poydras, which it shared with the Evening Telegram, Peter Kiernan's obstreperous daily. Immediately after the fire the two papers resumed publication in another building on Camp, on the opposite side of the street, just below Poydras. Here the Gazette was burned out again by the fire which in the early morning of February 20, 1899, destroyed the St. Charles theater, in its rear.



LOUISIANA POLITICS, 1845-1861

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Thesis Presented to the Faculty of the Graduate School of the University of
Texas in Partial Fulfillment of the Requirements for the
Degree of Doctor of Philosophy

PREFACE

N ATTEMPT has been made in the following pages to portray the politics of Louisiana during the important period 1845 to 1861. There were certain local issues which arose in the municipal districts of New Orleans, the congressional districts, and other divisions of the State, such as northern and southern Louisiana, which received much attention during non-Presidential election years; but the party interests of the State naturally centered about national questions during this time. A striking feature of Louisiana politics during this period was the prominence of the personal element due to the unusual characteristics of such leaders as Soulé, Benjamin, Slidell, and Randell Hunt. The most interesting discovery (to the writer himself) was that the faction of the Democrats in Louisiana which, during the latter half of the period, was allied with the Buchanan or radical element in the national party was the conservative wing headed by Slidell; while the group which followed Stephen A. Douglas and other northern conservatives was in Louisiana the ultra-southern faction of Pierre Soulé. This indicates, perhaps, that the personal element counted for quite as much if not more than fundamental principles; but at any rate it indicates that there is need of further investigation of the politics of the cotton states during the decade before secession.

The materials for this dissertation have been found for the most part in newspapers. In the Library of the University of Texas is an excellent file of *The Daily Picayune*, and the Texas State Library has a complete set of *The Weekly Delta*, both of New Orleans. The collections in the City Hall Archives and the Cabildo of New Orleans have also countributed much to this study. For the rural parishes and the town papers, the Louisiana State University Library has a fair collection of Baton Rouge papers

as well as some valuable numbers from the journals at Alexandria and other towns of the section.

In addition to the newspapers, I wish particularly to mention the pamphlet collection at the Howard Memorial Library at New Orleans from which was obtained much information, especially for background and the beginning of the period.

The author is indebted to Professors James E. Winston, M. J. White, and Walter Prichard, heads of the Department of History at Sophie Newcombe College, Tulane University, and Louisiana State University, respectively, for assisting in having placed at his disposal newspaper collections of inestimable value. I should like also to express my gratitude for the courteous assistance given me by the librarians of the public and private libraries of New Orleans.

To Dr. C. W. Ramsdell and Dr. E. C. Barker, who have read this study, and to whose inspiration is due the impetus for carrying on in the field of historical research and teaching, it is impossible to express the debt I owe. Dr. Ramsdell suggested the study and has offered many helpful suggestions in his critical reading.

JAMES KIMMINS GREER.

Austin, Texas, June, 1927.

CHAPTER I

LOUISIANA IN 1845

THE POLITICS of Louisiana in the years between 1845 and 1860 were closely connected with the social life and industrial activities of the people, and these were largely influenced by two factors which greatly motivated political action. In the first place, the topographical and geographical conditions of the State insured diverse industrial interests which required different policies toward the tariff and commerce. In the second place, the nature and diversity of the population, which included a large percentage of foreign immigrants and natives of other states, were potent elements in determining party choices.

There is a decided difference between the topography of Louisiana and that of her neighbor States. The State's land surface may be divided into the two natural divisions of hill and level country. Subdivisions of the hilly country may be called good uplands, pine hills, and the bluff lands; while the level country may be termed the pine flats, prairies, arable alluvial lands, wooded swamps, and the coast marsh. Thus the whole land surface may be subdivided into eight regions, comprising by 1860, forty-eight parishes.

The piney woods parishes were Winn, Rapides, Vernon, Catahoula, Natchitoches, and Calcasieu, west of the Mississippi in the central and southwestern part of the state; and Washington, St. Tammany, Livingston, and St. Helena east of the river and north of Lake Pontchartrain. Although they grew some good upland cotton, corn, potatoes, and cattle, the inhabitants were generally poor; but they were self-sustaining, thrifty, and even hoarded money.

The bluff lands reached from Carroll parish in the northeastern corner of Louisiana to the Gulf coast, then in a southwestern direction through the parishes of Franklin, Catahoula, and Rapides to Grimes Bluff on Red River in Avoyelles; thence south to the Gulf coast via Avoyelles, St. Landry, and Vermilion.² Classification of the inhabitants of this bluff region is impossible because of the territory traversed.

¹Daniel Dennett, Louisiana As It Is: Its Topography and Material Resources, 17. ²Dennett, Louisiana As It Is, 27.

In the parishes of North Louisiana, consisting of Morehouse, Union, Claiborne, Webster, Bossier, Bienville, Jackson, etc., the soil is light and the inhabitants were generally small farmers. These people were of English or Scotch-Irish descent and were thrifty, enterprising, and energetic. Farms and villages were small but numerous, though the country could not be described as thickly settled.

The alluvial parishes, Carroll, Madison, Tensas, Concordia, Avoyelles, Point Coupée, West Baton Rouge, Iberville, Ascension, Assumption, St. James, St. John the Baptist, and St. Charles lay along the course of the Mississippi and possessed the most fertile soil in the State. Here all staples of the times were easily produced. In the population of this region was to be found the greater number of the State's wealthy and cultured planters, and the hospitality of the planter, regardless of his origin, whether it be French, Spanish or American was well-known.³ The parts of the parishes bordering the lower Red River, De Soto, Natchitoches, Rapides, Winn, Catahoula, and Avoyelles possess soils well known for their fertility.⁴ The negro population, taking the average of this entire region, greatly outnumbered the whites.

The prairie parishes were St. Landry, parts of St. Martin and Lafayette, St. Mary, Vermilion and a part of Calcasieu.³ In this "Opelousas and Attakapas country," as it was sometimes called, the population was largely of Acadian origin and their chief products were beef and "cattle on the hoof." They were not a thrifty people, and although their lands were capable of enabling them to live well, they fared poorly. Education was very limited and the child's chief training was in riding and shooting.⁶

The coast marsh region contained parts of Cameron, St. Mary, and St. Bernard, Terrebonne, Lafourche, Jefferson, Orleans, Vermilion, and Plaquemines parishes. While some planters lived on the bayous, the population was sparse and consisted of hunters and fishermen. Cane, rice, oranges, figs, garden vegetables, fish and game were chief products.

³Dennett, Louisiana As It Is, 19.

⁴B. M. Norman, New Orleans and Environs: . . . 31, 34-35 ⁵John Dimitry, Lessons in the History of Louisiana, 170.

⁶Alcée Fortier, Louisiana Studies, 162, 175, 179; Dennett, Louisiana As It Is,

⁷A letter from S. S. Prentiss of Natchez, Miss., to his brother, William, a few years before this period begins, is interesting in this connection. A Memoir of S. S. Prentiss, I, 94-95.

The pine flats were in the southern half of St. Tammany, a part of Washington, and about half of Livingston parishes, all situated in the eastern part of the State. A similar section existed in extreme southwestern Louisiana in Calcasieu parish. Timber and cattle were chief products. The State was traversed by several rivers navigable for steamboats or barges, namely: The Mississippi, Red, Atchafalaya, Calcasieu and the Ouachita. The Census of 1860 recorded the State with four towns with a population of 1000 to 1500, two with from 1500 to 2000, one, Shreveport, just above 2000, and three cities, Algiers, Baton Rouge, and Jefferson with population between 5000 and 6000. Donaldsonville and St. Landry were credited with a little over 10,000 souls, and New Orleans was the largest city with 168,675.8

The numerically leading settlers of the various parishes of Louisiana were composed of six different nationalities: French, Acadians, Spanish, Creoles, Americans, and Germans. The French may be accredited with the settlement of fifteen parishes; the Acadians five—Avoyelles, Lafayette, St. James, St. Martin, and West Baton Rouge; the Creoles three, Calcasieu, Orleans, and St. Landry; the Spaniards two, Lafourche and Ouachita; and the Germans two, St. Charles and St. John Baptist. Some Germans settled in Claiborne parish in North Louisiana, after having had an early settlement near Natchitoches, on Red River, wiped out by the swamp fever. These Germans emigrated to Louisiana after the Revolutions of 1830 in Europe. 11

The white population of Louisiana numbered 158,457 in 1840, and increased to 255,491 in 1850, which was a progress of 61.23 per cent. during the decade.¹² Foreign born of this white population ran to 26.34 per cent. in 1850, while 23.74 per cent. were born in other States of the Union. In 1850, New Orleans had 48,601 "known" foreigners to 50,470 "native." Of the latter, those from New York, Pennsylvania, Virginia, Kentucky, Mississippi, Maryland, Maine, and Alabama ranked in number in the

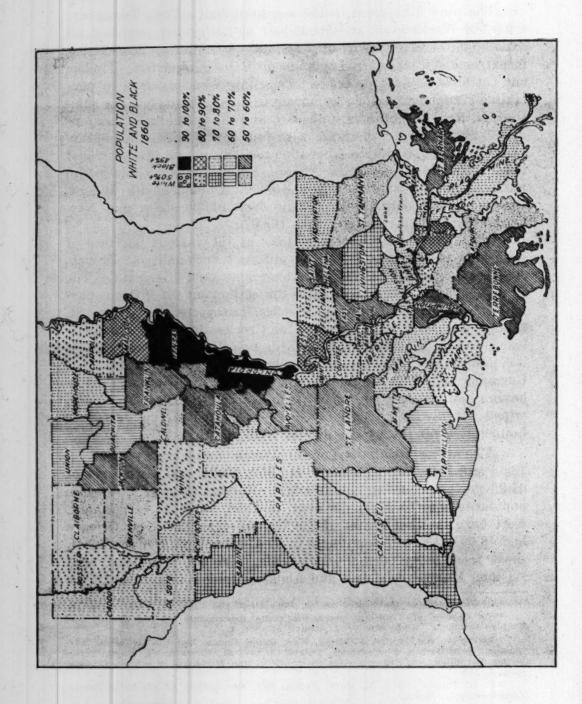
^{*}Eighth Census of the United States, Population, 195.

⁹The Creoles of Louisiana were the white descendants of the French and Spanish colonists. Alcée Fortier, Louisiana Studies, 4.

¹⁰Ascension, Assumption, Caldwell, East Baton Rouge, Iberville, Jefferson, Livingston, Natchitoches, Plaquemines, Pointe Coupée, St. Bernard, St. Mary, Terrebonne, Vermilion, and Orleans. See Biographical and Historical Memoirs of Louisiana, I, 220.

¹¹D. W. Harris and B. M. Hulse, (comp. by), The History of Claiborne Parish, Louisiana: . . . 89-92.

¹²J. B. D. DeBow, Statistical View of the United States, Being a Compendium of the Seventh Census, 45, 47.



order named.13 Ireland led the foreign countries in New Orleans with 20,200 emigrants from its shores, Germany (excluding Prussia) was second with 11,220, and France third with 7,522, while England and Wales furnished only 2,670. By 1860, foreign born citizens numbered 81,029 from thirty-three foreign countries. Ireland led with 28,207, with Germany and France a good second and third, respectively, with 26,614 and 14,938.14

The Americans were the leading nationality in twenty-one parishes and, as were the others—especially the Spaniards, well represented in nine others. 15 Thirty-four states of the Union con-Mississippi, Alabama, Georgia, tributed settlers to Louisiana. New York, and South Carolina each furnished Louisiana with above 5.000 immigrants.

The outstanding feature of emigration to Louisiana during the late 'forties and early 'fifties was the coming of the settlers of the small farmer class from neighboring and Atlantic sea-board States. Many parishes of North Louisiana, such as Claiborne, were sparsely settled until the 1840's. Some settlers had come in during the 1830's, although the tide of emigration did not reach its flood over the entire region until 1850.16

Thus, the State was divided into two areas,—French and English. The northern part was "English" and the southern part was "French," so far as language goes. 17 The Acadians and the Creoles proper "... kept themselves together with a reserve and exclusiveness almost impenetrable." The rural French population lived in something like ancestral fashion and were an honest, steady, and plodding people. Still there were numerous families of educated Creoles residing in the country that were energetic and prosperous.

¹³DeBow, A Compendium of the Seventh Census, 399.

¹⁴Eighth Census of the United States, Population, 196. The men who gained most prominence in Louisiana politics, Slidell, Soulé, Benjamin, Randell Hunt, Henry Johnson, S. S. Prentiss, etc., for instance, were born in other states of the Union or abroad.

The Irish were primarily laborers and lived in the city. Over the entire state there were 24,266, in 1850, 20,000 of which lived in New Orleans. They were consistently Democratic in State elections, while the Germans in the parishes of St. Charles and St. John generally went Whig. The Irish were the "stormy petrels" of New Orleans politics, but the German element was seldom mentioned during the

period of this study.

15The Americans settled chiefly, and were the main element of the population,
15The Americans settled chiefly, and were the main element of the population, is The Americans settled chiefly, and were the main element of the population, in Bossier, Caddo, Carroll, Catahoula, Claibornee, Concordia, De Soto, East Feliciana, Franklin, Jackson, Madison, Morehouse, Rapids, Sabine, St. Helena, St. Tammany, Tensas, Union, Washington, West Feliciana, and Winn parishes. Biographical and Historical Memoirs of Louisiana, as cited, I, 220.

10 Harris and Hulse, The History of Claiborne Parish, Louisiana, 62, 69, 75; DeBow, A Compendium of the Seventh Census, 242, 248; Eighth Census..., of the United States Population, 194

United States, Population, 194.

¹⁷Maurice Thompson, The Story of Louisiana, 242-243.

This division of Louisiana's population by differences of language as well as nationality caused, at times, open distrust of one group by the other. All public documents and the constitution were published in two languages by requirement of law. The French, more numerous than the English in Southern Louisiana, and the English, settling more densely along the upper alluvial parishes to the Arkansas line and the Northern and Western parts of the State, might oppose each other regardless of party affiliations. The Frenchman was looked upon as a Frenchman by the English citizen or settler, though he might have been of the same political party, and as such was considered by his English neighbor "constitutionally opposed to development and progress." 18

Louisiana had been a Whig State unless some foreign question disturbed her equilibrium. Now these raw, crude Democrats brought their Jacksonian doctrines that all offices should be elective by the people and that every man should possess the franchise. The conservative Whigs wanted the Judges appointed to hold office during good behavior, while the Democrats favored election by the people for short terms of office. Moreover, these two groups differed on the question of banking; the Whigs advocated a stable currency and appreciated the branch National Bank at New Orleans, while the Democrats were inclined toward numerous banks in order to secure cheap money. The small farmer was also distrusted politically by the business interests of New Orleans, which were in turn, distrusted by the small farmer. The business men did not wish to be forced to pay high rates of interest and to leave the State to secure commensurate financial assistance. In this attitude, the business man was re-enforced by the sugar planter—also, generally a Whig. The typical Democrat of the State also opposed the tariff,3 although such a Democratic leader as Congressman Slidell, protected the interests of the sugar planter, in 1844, by favoring a continuation of the sugar tariff for—"revenue."19

Whig politicians held that the tendency of the Whig principles was conservative, and that of the Democrats destructive. The sugar planters were Whig in politics and were strong against the Democracy. Nothing ultra, however, or Democratic and "decidedly Southern," was ever acceptable to them.²⁰ As political

¹⁸Pierce Butler, Judah P. Benjamin, 64-65.

John Quincy Adams, Memoirs of John Quincy Adams, XII, 19.
 New Orleans Weekly Delta, March 17, 1860.

campaigns approached sometimes prominent Whigs of the country parishes expressed themselves as preferring a party nominee who was a "gentleman" and "a sugar planter," and, who had, therefore, their interests at heart.²¹ Citizens of Louisiana heard political orators of the 1840s define "Locofocoism" as the "spirit of lawlessless."²² Locofocoism was derived by one Whig orator from the garden of Eden to prove that the first great Locofoco was the devil himself.²³

Although Louisiana possessed more economic reasons for allaying agitation of the slavery question and at the same time was more fortunate in the control of her negro population than her sister slaveholding States, she was intolerant of emancipation. Evidence of the opposition to the emancipation of the slaves of the State, may be seen in the existence of the old "Black Code," recent legislation, on negroes, antagonism of the press on this subject, a large number of small farmers and laborers, a negro majority in the population protected the rights of the free colored within its boundaries, but Hayti was never forgotten and free negroes from the North were dreaded as early as 1819.

In 1840, Louisiana had a total of 168,452 slaves, and ten years later 244,809. In 1850, the aggregate number of holders of slaves was 20,670. Between a fourth and a fifth of the properties were in a single slave, and nearly one-half in less than five slaves.²⁷ Still on the average of 5.7 persons to a family in 1850, one-half of the population of Louisiana, excluding the larger towns, was in the relation of slave-owners.²⁸ The increase of the white population during the decennial period 1830-1840, was 77.16 and 61.23 per cent. from 1840-1850, while the increase of the slave population during the same periods was 53.71 and 45.32 per cent., respectively. The ratio of the slave to the total population of the State in 1840 was 47.8 per cent., and 47.2 per cent. in 1850, while

²¹Ibid., February 1, 1852.

 $^{^{22}}A$ Memoir of S. S. Prentiss, II, 326, 330. For brief explanation of locofocism see footnote, page 49.

²³ A Memoir of S. S. Prentiss, II, 335.

²⁴An act passed at the Second Session of the First Legislature of the Territory of Orleans provided stiff fines and imprisonment for free negroes and mulattoes who emigrated to this territory. See Acts of Second Session of the First Legislature of the Territory of New Orleans, Held in New Orleans, January 12, 1807, p. 180.

²⁵Hayti, a French possession in Santo Domingo, was wiped out by a negro insurrection led by Toussaint L'Ouverture, a full-blooded negro, in 1795.

²⁰U. B. Phillips, American Negro Slavery, 453.

²⁷DeBow, A Compendium of the Seventh Census, 95.

²⁸ Ibid. 94.

the ratio of the free colored and slaves to the total population was 55 and 50.6 per cent. at the same periods.²⁹

According to the Sixth Census of the United States, 1840, the aggregate population of Louisiana was 352,411, which increased to 708,002 in 1860. The report of 1860 showed an absolute percentage gain of 28.71 during the last decade. The total whites numbered 351,556, slaves 326,726, and free colored 18,547 by 1860, and in only 15 of the 48 parishes did the total whites outnumber the total slaves. These parishes were Bienville, Calcasieu, Caldwell, Claiborne, Jackson, Jefferson, Lafourche, Livingston, Orleans, Sabine, St. Tammany, Union, Vermillion, Washington, and Winn. Of these parishes nine were either in the northern part of the State or, if elsewhere, away from the great valley and coastal regions. Lafourche parish was settled by Spanish, French, and the Acadians and did not specialize in either of the staple crops, while Livingston's chief occupation was commerce. Vermilion was organized in 1844 and settled by French and Americans who produced cane, cotton, and rice. In eleven parishes the slaves greatly outnumbered the whites; in six, Plaquemines, St. James, West Baton Rouge, Bossier, East Feliciana, and Iberville, the proportion was 2 to 1, in three, Carroll, Point Coupée, and St. Mary, 3 to 1, in two, West Feliciana and St. Charles, 4 to 1, and in three 10 to 1. The latter three parishes were Concordia, Madison, and Tensas. They adjoined on the Mississippi, about midway the State, and produced, in 1860, 60,-809, 51,493, and 81,279, bales of cotton, respectively, and at the same time 543,510, 506,900, and 670,400 bushels of corn. were the largest yields per parish in cotton in the State. 80

The Census of 1860 gave a total of 331,726 slaves and 22,033 owners. Of these 2,065 slaveholders owned from ten to fourteen slaves, only 460 owned from 100 to 200, 20 from 300 to 500 and 4 from 500 to 1000, with none owning as many as 1,000.³¹

The free colored of the State were reported to be 25,502 in number in 1840, but fell to 17,462 in 1850. In 1860 they numbered 18,647. DeBow, Superintendent of the United States Cen-

²⁹ DeBow, A Compendium of the Seventh Census, 85.

were: Ascension, Assumption, Avoyelles, East Baton Rouge, Caddo, Catahoula, De Soto, Franklin, Lafayette, Morehouse, Natchitoches, Ouachita, Plaquemines, Rapides, St. Bernard, St. Helena, St. John the Baptist, St. Landry, St. Martin, and Terrebonne. In only two of these were desirable coastal or river lands lacking.

For the above statistics see Eighth Census, Population, 188-194.

³¹ United States Census, 1860, I, 247.

sus, explained that, although the decrease from 1840 to 1850 was sustained by the State census, there were probably errors in the report of 1840, or free mulattoes had been passing into the white column. The errors seemed to be chiefly in New Orleans' reports where the decline was about one-half.³² However, he adds that such a clandestine entrance was not indicated by the report on increase of the whites in that city since 1848. Moreover, the number of colored persons who left the city would not account for the fact that the total had declined one-half despite the natural increase.³³ This gave a decrease for the decade of 31.52 per cent., as compared with an increase of 59.50 per cent. in 1830 and 52.61 in 1840.³⁴

Louisiana was the birth place of 15,202 free colored, according to the Census of 1850, of whom 12,714 were mulattoes. The West Indies with a total of 661 ranked second, Virginia with 449, third, Kentucky fourth with 108, while Maryland contributed 101 free colored. One in twelve of the whole free colored in the entire State were engaged in occupations requiring education, while the remainder were mechanics, waiters, and laborers—and "other occupations"—such as sweeps, scavengers, etc. The ratio of mulattoes to the one hundred blacks among the free colored was 416.78, while it was 8.82 with the slaves. The total ratio of mulattoes to one hundred blacks was 14.85. The total ratio of mulattoes to one hundred blacks was 14.85.

In course of time, New Orleans, an old French, Creole, and Spanish city, was divided by the influx of Americans into two distinct areas: the French or Creole quarter, and the Anglo-American quarter.³⁷ The First Municipality³⁸ of New Orleans was the old city and its inhabitants were practically all French and Creole. In the Second Municipality, the new city, one saw many Boston-

^{**}Some historian—Grace King—records that the unmarried quadroons were ambitious to have their children "pass for whites," and would make any sacrifice to secure that end. Laws were passed to protect society but could be evaded. The quadroons had an aversion to marrying men of their own color, as they wished to secure social equality with their superiors. Travelers declared that from their color and "skin" the quadroons could not be detected from whites—Grace King, New Orleans—The Place and the People, 246, 249, 250.

Albert Phelps in Louisiana (Boston, 1905) pages 212-213, states that concubinage in connection with the "quadroon balls" was an organized affair. Professor U. B. Phillips in American Negro Slavery, 452, writes that when this concubinage had produced children who possessed less negro blood than that of the octoroon, some of them "doubtless cut their social ties, changed their residence, and made successful though clandestine entrance into white society."

⁸³ DeBow, A Compendium of the Seventh Census, 62.

³⁴ Ibid., 64.

²⁵ DeBow, A Compendium of the Seventh Census, 81.

³⁶ Ibid., 83.

³⁷As late as 1890 this division was still very pronounced.

³⁸ See map of the city for location of the municipalities.

ians, New Yorkers, Philadelphians, and emigrants from various New England towns who made up the better business firms of the Municipality. The Yankees were contemptuous of the "dancing-master ways of business" of the French and there was a big change in the development of the municipalities after their coming. The Second Municipality, heretofore neglected, now hummed with business drays.39 The Third Municipality was half village, half city, and the Irish and the Germans of the city were to be found chiefly in this section. 40 Architectural tastes of every nation were to be observed. Streets were named for early French governors, Revolutionary sires, Indians, etc., while pavement was generally lacking or consisted of treacherous brick laid in mud. 41

Climate and season affected the social and the business activities of New Orleans. From October to July the city was all rush and bustle with commercial and business transactions, but a lull came as July was near and New Orleans took breath. Thousands of her population, business and social transients, absentee landlords, etc., went North for the warm and dull months. If the Board of Health announced an epidemic, which happened several times during this period, "the leaving" increased by additional thousands.42

The Second Municipality easily surpassed the First and Third in business enterprise, but was outvoted by the city below Canal Street in local politics. Therefore, the mayor and a majority of the council were from the Creole section,43 and proceeded to expend the city revenues upon that section. Attempts of the city government to assure the superiority of the old section over its new rival and the continued neglect of the latter's interest caused a memorial to be presented by the Second Municipality to the Legislature in 1836, asking for independence. The First and Third did not oppose division, which was granted by Legislative enactment.44

In State and Federal politics, the "Americans" were largely Democrats, while their opponents were Whigs. However, the

⁸⁹O. A. Hall, The Manhattaner in New Orleans; or Phases of Crescent City Life. 29. 40 Ibid. 35-36

⁴¹O. A. Hall, The Manhattaner in New Orleans; or Phases of Crescent City

Life, 36-40.

20. A. Hall, The Manhattaner in New Orleans, 42-45. Also, any contemporary

[&]quot;Grace King, New Orleans—The Place and the People, 273. "Discussed later in connection with "consolidation."

bankers, big merchants, and some of the newspaper men were already Whig or became Whigs, because of their economic interests, which needed the high tariff, or banks, or internal improvements at Federal expense, etc.,—planks of the Whig platform. The same classes among the Democrats of this municipality were more conservative on the subject of political changes than the average Democrat because of material interests. Still, some of the Democratic leaders, as Slidell, married and resided among the Creoles and had considerable political influence there. But the Rubicon of Creole prejudice was Canal Street. The Irish emigrants were, generally, of course, Democrats.45

The vieux carre secured through the city government the Canal Carondelet, and the Pontchartrain railroad in 1825, to the lake of that name, which gave it the lake trade.46 But the Faubourg Ste. Marie47 retaliated with the construction of its own canal which brought the lake trade to the foot of Julia Street. This sort of manoeuvering in the Legislature aroused the jealousy of its country members who removed the capital to Donaldsonville from New Orleans during the rivalry. But in 1831 it was returned to New Orleans, and the Second Municipality forced through the Legislature a division of the city into three corporations. 48 The divorce from "France" gave the Second Municipality control of its own finances and it soon distanced its rival and settled the economic contest forever.50

This rivalry in economic affairs between the nationalities extended also to social-business relations. The St. Charles Hotel was built by the Exchange Bank of the Second Municipality in 1836 at a cost of \$700,000. Its proportions and symmetry made it the pride of New Orleans and the wonder of visitors. It was regarded a privilege to be a guest of the St. Charles and share of its expensive hospitality. On January 18, 1851, this hotel burned. Its loss was regretted but some citizens professed to see some good in the evil, in that concentration of wealth, progress, building, etc., in one locality gave an appearance of prosperity in one

⁴⁵These subjects are treated later.

⁶Grace King, New Orleans-The Place and the People, 273.

⁴⁷The term first used to designate the site of, and used synonymously with by some authors, the Second Municipality. The vieux carre was the Creole—the oldest inhabited part-of the city. The former included Canal Street and the district south of that street to later Felicity Road; the latter lay north of Canal and opposite.

^{*}Weekly Helta, January 27, 1851; Grace King, New Orleans-The Place and the People. 273.

Weekly Delta, January 27, 1851. Grace King. Op. cit., 273.

part of the city and decay in another. "Americans," who had emigrated from other States, made it "unfashionable" for one of their group to live on the lower side of Canal Street, and clustered about the St. Charles—as "progressives."51

In a spirit of rivalry, the French population constructed the St. Louis Hotel,52 situated five blocks from the St. Charles, about 1838. Pierre Soulé and the Creoles were prominent in the projection of the enterprise. 53 In 1841 this hotel, too, was practically destroyed by fire. It was restored a few years later, but for two years previous to the burning of the St. Charles it had not been rented and was offered at merely nominal rent in 1850. It was taken by the St. Charles' proprietors after the fire at that hostelry.54 These hotels along with "Banks' Arcade" and similar buildings, were favorite meeting places for politicians and political gatherings. Social and business affairs centered about them also. One contemporary, a traveler from New York, declared that the St. Charles might be mistaken for a palace if it were in St. Petersburg, a college were it located in Boston, or an exchange if situated in London, but that in "New Orleans it is all three."55

Thus the "Faubourg Ste. Marie" had her St. Charles and the vieux carre built her St. Louis with her large exchange and splendid ball-rooms. The English traveler, Buckingham, visited New Orleans in 1839 and said that the ball-rooms of the St. Louis were unequalled in the United States for beauty and size. St. Charles, he pronounced "the handsomest hotel" in the world.56

Although such visitors as Buckingham, Hall, Henry Clay, and other notables were delighted with New Orleans, others found scenes which were repulsive to them. Frederika Bremer, noted traveler and writer, wrote of her visit to the slave-market of New Orleans that she saw nothing repulsive in the places "excepting the whole thing;"57 while Mademoiselle America Vespucci, who visited the city at the same period, saw nothing "rose colored" about the "slave marts" and could not consider the business philo-

⁵¹ Weekly Delta, January 27, 1851.

⁵²H. L. Favrot, in Biographical and Historical Memoirs of Louisiana, I, 192. Favrot was a prominent attorney of New Orleans and a graduate of Tulane University.

⁵⁸H. L. Favrot, as cited, 191. The St. Louis was also called the "City Exchange." ⁵⁴Weekly Delta, January 27, 1851.

⁸⁵A. O. Hall, The Manhattaner in New Orleans, 8. 56Grace King, New Orleans—The Place and the People, 274-275.

⁵⁷Frederika Bremer, The Homes of the New World; Impressions of America. II, 202-209. This experience was recorded on January 1, 1851.

sophically, although such places in New Orleans were considerately conducted.58 Too, thoughts of the fever epidemics were unpleasant, and not without reason. Visitors, emigrants newly arrived, and others not acclimated or immunized gave the fever epidemics material on which to rage. The years 1827, '28, '29, '32, '47, '48, '49 saw heavy death rates. But the climax was reached in the year 1853, when the death rate was 111 per 1,000.59

But neither epidemics nor the financial crises interrupted the progress of the city. Operas, balls, horseracing, clubs, hotels, cock fights, even bull fights, gave opportunity for gayety during the fall and winter season which offset the shadows of misfortunes. 60 Much has been written concerning the custom of duelling in Louisiana. American and Creoles, former bosom friends, even relatives fought duels. National differences, therefore, and politics, legal points, scientific disputes, love, every imaginable difference was settled on the "field of honour." One Sunday in New Orleans, in 1839, witnessed ten duels. 61 Something could be said, also, regarding the "exclusiveness" of creole society—city and country and of the "moving in the first circles" of the Second Municipality.62

In respect to literacy and education, in 1850, Louisiana's intellectual standard was not flattering. But in justice to her, it should be remembered that her foreign born population, of both early and recent emigration was heavy. Considering only those over twenty years of age, the per centage of illiterates among all whites was 8.3; among foreign whites 15.28; the per cent. of native white and free colored to totals of the same, 8.99.

There were 813 educational institutions of all ranks in the State in 1850. Six of these were colleges with an attendance of 629 for the group, while the public schools and academies had a combined attendance of 30,374.63 A considerable number of children were educated at home by private tutors. Too, many parents sent their sons and daughters north to college or even abroad. This was especially true in the case of the well-to-do planters and the more prosperous merchants.64 It was not until

⁵⁸Frederika Bremer, as cited, 279-282.

Grace King, New Orleans—The Place and the People, 283-289; also newspapers of the period.

⁶⁰Ibid., 290-291.

⁶¹Grace King, New Orleans—The Place and the People, 296. ⁶²A. O. Hall, The Manhattaner in New Orleans, 123, 124.

⁶³DeBow. A Compendium of the Seventh Census, 141-143.

⁶⁴It is interesting to notice that the percentage of political leaders who had college training was quite large.

the 'fifties that the private schools gradually closed and were succeeded by the public schools.65

Louisiana ranked eleventh in respect to its publications, with a total of fifty-five newspapers and periodicals. Eleven dailies, six tri-weeklies, and thirty-seven weeklies were published. In New Orleans there were eighteen publications with an aggregate circulation of 625,603. These papers were well-edited and exercised great influence in their respective communities.

Local news and politics were unnoticed by New Orleans newspaper editors until 1835, although national politics were treated of as early as 1830.67 From early in the 1840's, papers bristled with political articles and communications which at times led to fatal duels,68 but otherwise they contained little of local news. Leading political papers of New Orleans in the 1840's and 1850's were the Picayune, Delta, Courier, Crescent, Bee, True Delta, Daily Tropic, Bulletin, while the Baton Rouge Gazette, Baton Rouge Advocate, and Baton Rouge Comet were outstanding among the country papers.

The Bee, Picayune, Bulletin, and the Baton Rouge Gazette were Whig journals, though at times they became "Know Nothing" or declared themselves "independent" on partisan questions. The Courier was consistently conservative Democrat and was the recognized organ of the National Democrats of the State. The Baton Rouge Advocate was Democratic, but varied from conservative to extreme Democrat once or twice due to change of editors. 69 The Delta declared it was, and it evidently attempted to be during its first few years, "independent;" but it was a Douglas and Soulé organ during a part of the 1850's, and did not disguise its Democratic leanings when Corcoran, one of its editors, became embroiled in physical and legal conflict with the Know Nothings early in 1856. In general, it may be said that the Crescent was anti-Democrat and openly Know Nothing until 1860, while the True Delta also, although at first conservative enough, came to fight the regular Democrats throughout its remaining existence and was a Soulé organ in 1859.

⁶⁵J. A. Breaux, "Some Early Colleges and Schools of Louisiana," in Publications of the Louisiana Historical Society, VII, 142.

⁶⁶ DeBow, A Compendium of the Seventh Census, 155, 157.

⁶⁷Colonel W. H. Perrin, in Biographical and Historical Memoirs of Louisiana, II, 155.

⁶⁸ Ibid., 160.

⁶⁹ See later chapters this work.

The New Orleans Bee was established in 1827, the Courier in 1810, Picayune in 1837, Delta, 1845, and the Crescent and the True Delta outcropped from the Delta. Two of the most interesting of these papers were the conservative Picayune and the spicy and brilliant Delta. The former had an unrivaled private express which cost \$21,600 a year, but the latter was thought to possess the more versatile editorial staff.71 One contemporary72 deemed the Picayune the more useful but the Delta the more amusing. Some of the editors of these papers were emigrants from New England or other sections of the Union or even Europe. For instance, G. W. Kendall and F. A. Lumsden, two of the original proprietors of the Picayune, were from New Hampshire and North Carolina, respectively. A. C. Bullitt, later prominent Whig, who early became a member of the firm with Kendall and Lumsden was a native of Kentucky. The Picayune and the Delta were "the exponents abroad of the New Orleans press, . . . from the host of well conducted journals for which the city is celebrated."74

Of the industries carried on in Louisiana, agriculture was first in importance. In 1834, Louisiana produced 155,000 bales of cotton and increased this production to 225,000 bales in 1837. Bales were of four hundred pound size. In 1840, 200,000 bales of cotton were produced. Less than one-half the land was improved but the State ranked first in 1850 in the average value of farms and farm machinery to the farm, with the single exception of the District of Columbia in the first instance. With small area devoted to cotton, Louisiana ranked fifth among fourteen cotton producing States in 1850 in the number of plantations which produced five bales and over, and possessed three-fifths of the sugar planters of the country. In south Louisiana, the plantations were large and villages few in number, but in North Lou-

⁷⁰W. H. Perrin, in Biographical and Historical Memoirs of Louisiana, as cited, II, 155-160; A. O. Hall, The Manhattaner in New Orleans, 172.

⁷¹Hall, The Manhattaner in New Orleans, 169-172. La Chronique, New Orleans, quoted in Weekly Delta, February 19, 1849.

⁷²Ibid.

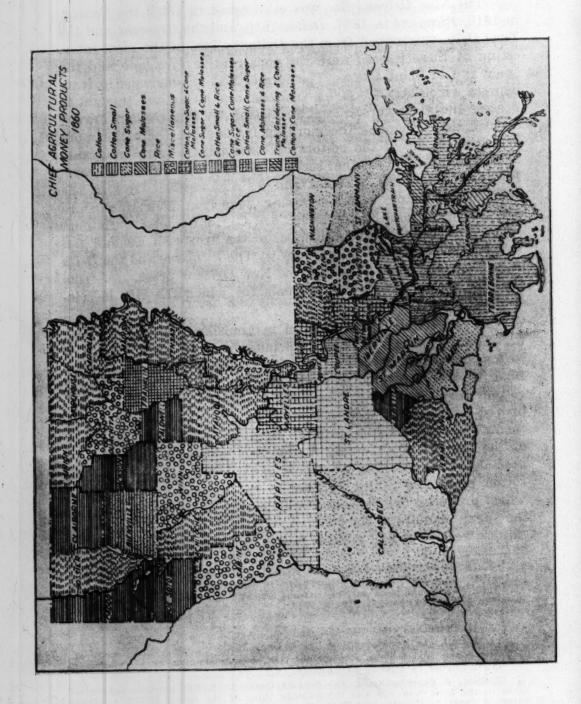
⁷⁸W. H. Perrin, as cited, 158-159.

⁷⁴A. O. Hall, The Manhattaner in New Orleans, 171.

¹⁵Speculation and failures accompanied this boom production, as elsewhere.

⁷⁶Alcée Fortier, A History of Louisiana, III, 226.

TDeBow, A Compendium of the Seventh Census, 169. The average number of acres to the farm was 372 and the average value of the farms \$5,648. Average value of farm machinery was \$863, due to the complicated process of making sugar.



isiana the great majority of farms were small and numerous small villages were to be found.78

Manufacturing was of secondary interest in the State. Only eight iron casting manufacturing establishments were reported in the Census of 1850, and employment was given to only 347 persons. Individuals and establishments engaged in manufacturing, mining, and the mechanic arts during the same period numbered only 1,017, with an annual product valued at \$7,320,948.79 No cotton or woolen manufactures were reported in 1850.

Of over fourteen hundred sugar plantations, the average had approximately one hundred slaves of all ages, and produced three hundred hogsheads or one hundred and fifty tons of sugar as an average crop. As the Creole planters lived along the lower Mississippi, the Anglo-American planters lived along the Red River and around Baton Rouge. Generally owners of plantations other than Creoles in the Creole parishes, were men who had been merchants earlier and had purchased their plantations.80 Because of the short season and the increase in price of the labor supply due to the expansion in the production of cotton, the sugar planter looked to the tariff as a source of protection for his profit. In 1842, for instance, the increased tariff encouraged sugar production, while at the same time the price of cotton was low, which also brought the price of labor down.81 Hence, the return to normal in the price of cotton about 1850 increased the price of labor and checked the extension of sugar production.82 With such factors operating in the determination of their economic welfare, it is easier to understand why the Whigs of Louisiana opposed Polk in 1844—in addition to being party men and idolizing Clay—, and also opposed the annexation of Texas.

Commerce was an important factor in the industry of Lou-The introduction of the steamboat on the Mississippi had early secured much western trade by reducing the cost of carriage to port. As early as 1830 this trade was of such importance that Vicksburg, Natchez, Memphis, Mobile, Charleston, and Baltimore were all employed in making arrangements for the transfer to themselves of this trade. Each planned to coun-

TaDennett, Louisiana As It Is, 30.
 TaDeBow, A Compendium of the Seventh Census, 179.
 U. B. Phillips, American Negro Slavery, 245.

⁸¹This undoubtedly happened as the price of cotton went to five cents in 1845, and it was a sort of accepted rule that a field hand was worth one hundred dollars for every cent per pound for which cotton was selling.

^{*2}Higher cotton—higher labor; and sugar production required the best field hands.

teract the rivers by the construction of railroads. 83 By 1840, there were ten railroads completed or in construction⁸⁴ and three public canals, all of which carried trade to New Orleans. Exports of the State in 1840 were valued at \$34,236,936 and increased during the next decade to \$38,105,350. This comparatively low increase was undoubtedly due to the low price of cotton during the 1840's. Cotton fell to five cents in 1845, and rose to thirteen and one-half cents in 1850.85 By 1853, the value of exports from the State had reached \$67,768,724,86 and \$107,812,500 in 1860.87 New Orleans rose as a commercial center, and in the decade of 1850-1860, handled half the cotton crop. Not only was Louisiana engaged in extensive production of cotton, producing 699,383 bales in 1860, but it produced 362,296 hogsheads of sugar and 878,833 barrels of molasses. The State was rich in lumber, but was not yet developing the industry to an appreciable extent.

The deplorable financial condition of Louisiana at the opening of this period was encountered by both Whig and Democratic administrations. The banks of the State attempted quick recovery from the financial panic of 1837. In 1838 they resumed specie payment but were unable to continue it. In 1840, there were sixteen banks, with forty branches distributed over the state.88 Governor Roman's message of January, 1840, attributed the general crisis to the destruction of the Bank of the United States, and the consequent lack of restraint upon the operations of the State banks. 89 Yet the opinion was strongly voiced in the Legislature that a majority of the banks in the State were "safer" than those to be found in most States, and some of them were declared to be as solid as any to be found in the world. 90 At the beginning

88R. S. Cotterill, "The Beginnings of Railroads in the Southwest," in Mississippi Valley Historical Review, VIII.

*5Statistics from the Census of 1850 bear out these statements: Year Value of Exports\$28,404,149 1842 26,653,927 1843 ... 30,498,307 1844 27.157.495 1845

saWith two exceptions, these roads were short ones within the State. oldest was the Pontchartrain (1831) from New Orleans to Lake Pontchartrain. Other roads connected with New Orleans were the New Orleans and Nashville to the Mississippi State line, the New Orleans Street in New Orleans, the Lake Borgne from New Orleans to Lake Borgne, and the New Orleans to Carrollton. Borgne from New Orleans to Lake Borgne, and the New Orleans to Carrollton. The Baton Rouge and Clinton and the Bayou Sara to Woodville, in West Feliciana, were other railroads. The first railroad west of the Mississippi was the Red River Railroad from Cheneyville to Alexandria chartered in 1835 and in operation in 1838.

DeBow, A Compendium of the Seventh Census, 187.
 H. U. Faulkner, American Economic History, 335.

See Fortier, A History of Louisiana, III, 229.
 See New Orleans Weekly Picayune, January 13, 1840. Roman was a Whig.
 See New Orleans Weekly Picayune, January 20, 1840.

of the year 1839, the State owed \$75,000 to the banks; by 1841 this debt increased to \$850,000. It was believed generally that the members of the Legislature had borrowed in their private capacity approximately one million dollars from the banks.⁹¹

Specie payment had not been resumed by January, 1841, but financial conditions were improved. General liquidation took place under the National Bankrupt Law of 1841. In January, 1842, some of the banks refused payment or deposit of notes from those institutions which were suspected of being insolvent. Then the Legislature created a "Board of Currency" whose duties were to examine and report for publication the real situation of banks, and to enforce charters and by-laws. During this year, 1842, the Canal Bank and the Citizens Bank were paying specie. But now seven of the banks failed, leaving only nine in good financial condition. When 1843 opened these nine banks were all paying specie, but the money market in New Orleans was in a sorry condition.

At the opening of his term in 1843, Governor Mouton found the State indebted to the banks to the amount of \$1,200,000; owed for salaries and interest, \$200,000, that the State had exceeded its income for years by \$200,000, and that the Treasury was exhausted, the State's credit impaired, and the people heavily taxed. Moreover, the State had sold bonds to the extent of \$1,273,000, on which the interest had not been paid, and State bonds held by the Association of Planters would probably not yield any interest as that institution was in liquidation. But the crisis was passed by January, 1844. Yet the State had learned its lesson; it had found that it should not be a stockholder, although it appointed some of the directors, in banks. An act was passed by the Legislature in 1844 to sever the connection between the State and the banks in their unwise partnership. But the banks did not accept this adjustment until 1845, because of some

⁹¹Charles Gayarré, History of Louisiana (New York, 1866), IV, 660.

⁹²T. P. Thomson, "Early Financing in New Orleans-Being the Story of the Canal Bank-1831-1915," in Publications of the Louisiana Historical Society, VII, 39.

Gayarré, History of Louisiana, IV, 661.
 Weekly Picayune, February 6, 1843.

⁹⁵A bank organized by the planters in 1827.

⁹⁶ Weekly Picayune, December 11, 1843.

Governor Mouton attributed the financial situation to the multiplicity of State banks, inflation of the currency, and the extravagance of the people who, because of loose money, had been tempted into unwise investments and speculation. Mouton was a Democrat.

objectionable provisions in the act. Legislation was resumed on this subject in 1845, and an acceptable bill went into effect.

This act of 1845 enabled the State to discharge \$3,000,000 of its debts and left it with a remainder of \$1,600,000, maturing between 1845 and 1872.97 The banks were soon enabled to pay their bonded debts, and New Orleans retired her depreciated notes.98 Public credit was restored and before the end of the year the currency was again sound and circulating satisfactorily.

Such were the social, economic, and industrial conditions of the State which were influential in the politics of the period. Back of a diversity of issues lay a diversity of interests.

⁹⁷ Gayarré, History of Louisiana, IV, 667.

⁹⁸T. P. Thompson, Early Financing in New Orleans, as cited, 143.

CHAPTER II

THE ANNEXATION OF TEXAS AND THE PRESIDENTIAL ELECTION OF 1844.

In THE MIDST of the excitement attendant upon the results of the Presidential election of 1844, with charges of fraud in Plaquemines hurled by both parties, Louisiana entered upon a new era in her political development. Tyler had revived the policy of the annexation of Texas, and this question and (together with) the tariff became leading issues in the canvass of 1844. The Whig party, as has been stated, had long been in power in local affairs, and party spirit inspired the political leaders to contend fiercely on the issues which their interests had made their convictions.

But in addition to this partisan sentiment, there was a sincere feeling among a number of the leading citizens that annexation would usher into the Union a strong competitor in sugar production, and self-interest united with party prejudice. On the other hand, the leaders of the Democrats were backed by large numbers who had friends and relatives in Texas and who were instinctively for expansion.¹

As the campaign of 1844 approached, the Whig press of New Orleans treated the subject of the annexation of Texas with levity and distrust and professed to wish to see the Republic become a part of the Union, provided that it should be not "smuggled into the Union." To sustain objections to the manner in which the negotiations had begun, the chief mouthpiece of the Whigs reaffirmed its denial of "the constitutional authority of Congress to take possession of Texas."

But on April 24, at Bank's Arcade, the friends of annexation in New Orleans held a meeting for the purpose of obtaining a public expression of sentiment in favor of the "Re-Annexation of Texas." Charles Derbigny was chosen president and he appointed a committee on resolutions. The report of this committee favored the annexation of Texas as a "great American measure;" denied belief that the United States could "re-assert jurisdiction

¹Judge K. A. Cross, in Biographical and Historical Memoirs of Louisiana, 1, 50. ²The New Orleans Bee, March 26, 28, 1844.

^{*}Ibid., April 4, 1844.

over territory which it has voluntarily relinquished;" but claimed for Texas the privilege of seeking entrance into the Union by inference from the "guaranties of the treaty" in the Louisiana purchase, and lastly, saw no "public end to be gained but much to be lost and everything risked by delay."4

The opponents of annexation now stated that there were two sides to the Texas Question, and that it was "best for all parties" that Texas should continue its development as a strong republic but that it should not become a dependency of any foreign power.⁵ At the same time it was asserted that the warmest advocates of immediate annexation had been for a time alienated by the President's conduct of negotiations.6 Local Whig opposition was bolstered by an address to "The People of Louisiana" which Alexander Barrow, Whig member in Congress, issued from Washington, May 24. In this address, Barrow denied that greater security to slave institutions would result from annexation, and plead for preservation of the principles of the party and for loyalty to Clay. Barrow gave as his opinion that the ratification of the treaty would reduce the value of the lands of Louisiana seventy-five per cent and the great staples fifty per cent.7 Emigration to Louisiana from the Atlantic slave-holding States would cease; emigration to Texas from Louisiana might be expected; and markets for Louisiana land would cease to exist. The price of sugar and cotton, Barrow continued, would fall because the best quality of these products could be grown in Texas.8 But here and there an outstanding Whig did not agree with Barrow. Ex-Governor Henry Johnson, prominent Whig, alienated many of his followers among the Whig sugar planters by favoring annexation, which they felt was prejudicial to their interests.9

In the midst of the campaign, the chief Whig organ of the State gibed at the "Locofoco party" for seizing upon the issue

^{&#}x27;The Bee, April 25, 1844.

⁵¹bid., June 3, 1844.

elbid.

The Bee, June 3, 1844.

^{*}Ibid., June 3, 1844.

[&]quot;Weekly Delta, September 16, 1850.

10The term "Locofoco" was used in derision by the Whigs of the State as synonymous with Democrat. In New York, division between the regular Democrats and the Locofocoes had been increased by the efforts of the Whigs in the thirties. "Locofoco" was a cognomen applied to the anti-monopolistic Democrats in New York following their split with the Bank Democrats in 1835. These men of New York following their split with the Bank Democrats in 1835. York, following their split with the Bank Democrats in 1835. These men of New York who advocated free trade, equal rights for men, opposition to exclusive privileges, and bank notes and paper money as a medium of circulation, made good political capital for the Whigs for the time being. Probably the best treatment of the origin of the Locofoco party may be had in F. Byrdsall, History of the Loco Foco or Equal Rights Party (New York, 1842).

of immediate annexation as an "electioneering device." Even after the election, it refused to admit that annexation had been the main question before the people, 11 although the New Orleans Republican, for instance, saw in the election of Polk the "verdict of the people" on that measure. 12

The *Picayune*, as a supporter of Clay, was not favorable toward annexation in 1844, but when it shortly found itself out of step, it changed its stride and soon began buoyantly to forecast acquisition of the Republic by act of Congress.¹³ It anticipated "nothing but good" from the step of the National legislature when it annexed Texas in 1845.¹⁴ The same journal showed by an analysis of the "Texas vote" in Congress that the charge of sectional grounds as a factor in the annexation movement was without foundation.¹⁵

Governor Mouton expressed the opinion that late events and conclusions to be had from the discussions that had been delivered on the subject, had convinced a majority of the people of the desirability of the annexation of Texas. From a pecuniary point of view, he felt that Louisiana and the South would gain less than the New England section, but that "safety and tranquility" on the southwest would recommend its deep consideration.16 Governor Mouton suggested in his annual message to the Legislature, January 6, 1845, that it take action on the question of annexation, which would be in accordance with the sentiment of the people of the State.¹⁷ This recommendation was referred to a special committee, with F. Burthe as chairman, which returned an adverse majority report, 18 and a minority report drawn by Charles Gayarré, 19 favoring immediate annexation. There was a Whig majority of eight in the House, but it was believed that the minority resolutions would be favored by every Democratic vote,

¹¹ Weekly Delta, August 16, November 30, 1844.

¹²Quoted in *The Bee*, November 30, 1844. ¹⁸Weekly Delta, December 11, 1848.

¹⁴Daily Picayune, March 8, 1845.

¹⁸Five slaveholding States voted in the affirmative, three in the negative, and four, Louisiana among them, gave a divided vote. *Daily Picayune*, March 9, 1845.

The Daily Picayune, New Orleans, January 7, 1845.

The Picayune was organized in 1837, by men who had emigrated from the North. It claimed to be an "independent" journal (see issue of December 21, 1847, etc.), but later acknowledged that it was Whig in politics. Its editors later became outstanding men among the Whigs of New Orleans.

¹⁷Gayarré, History of Louisiana, IV, 667.

¹⁸ Daily Picayune, January 11, 1845.

¹⁹Gayarré reported that private letters received from Washington showed not more than a majority of three in the National Senate opposed the measure, with Louisiana's Senators in the group, and urged the influence of the Legislature on the fate of the measure there.

and by a few Whigs from the northwestern part of the State.20 The measure finally passed, in the face of strong opposition, but a proviso objectionable to the advocates of immediate action was attached.21

As early as June 8, 1844, it had been noised about in Louisiana that should Polk be elected to the Presidency, "contrary to general expectations, of course," the annihilation of sugar as a staple of the state would result. This conclusion was based upon Polk's opposition, during the gubernatorial Canvass of 1843 in Tennessee, to the tariff of 1842 upon foreign sugars.²² The Whigs attempted, therefore to direct the attention of the people of the State to the hesitancy of the Locofoco papers in taking position on the subject of protective duties. The Whig press charged that locofocism in New Orleans was identical with free trade, and rejoiced that the Republican had been driven to a denunciation of the tariff.23 Whig mass meetings were held at the St. Charles Hotel and other places at which such speakers as Randell Hunt, J. P. Benjamin, and Sever defended the tariff, eulogized Clay, and scathingly denounced locofocoism as demoralizing, reckless, and base.24 Meantime ward organization was urged by the Whig organs, which reminded that the Locofocoes had anticipated them in this movement in practically every ward of the three municipalities of the city. The perseverance and courage of the Democrats was acknowledged and a hard battle was anticipated.25

The Republican was accused by the Whig press of attempting to keep three or four hundred absent Whig voters away from the polls by exaggerating the number of deaths caused by yellow fever in the city.26 And as the day of election approached, the Whig challenging committees and inspectors were warned that hundreds of spurious votes would be attempted.27 The Central Clay Club posted a reward of fifty dollars for information leading to

²⁰ The Bee, January 11, 1845.

²¹ Gayarré, History of Louisiana, IV, 667.

The Daily Picayune, January 15, 1845, printed the resolution, in which it was stipulated that Texas should enjoy, by annexation, "... all the rights and privileges now secured to that portion of territory ceded by France to the United States, under the name of Louisiana, and lying south of 36 degrees 30 minutes North Latitude.

²²The Bee, June 8, 1844.

²³Ibid., September 26, 1844.

²⁴ Ibid., September 30, 1844.

²⁵ The Bee, September 6, 1844.

On the 17th, despite this admission, a bet of \$1,000 to \$700 on Clay's election. was posted in the columns of the Bee.

²⁶ Ibid., September 19, 1844.

²⁷ Ibid., November 1, 4, 1844.

the conviction of any person voting illegally or more than once.²⁸ Whigs were cautioned against such Locofoco "tricks" as last minute cards of announcement, etc.

Although the Whigs were in possession of the electoral machinery of the city and were ready to challenge naturalized voters, there was no requirement for the registration of voters under the Constitution of 1812, therefore nothing prevented the exercise of suffrage by a voter in any electoral precinct in the parish in which he had his residence.29 In "Orleans County" consisting of four parishes, because of population and representation, was the parish of Plaquemines, controlled by the Democrats from Orleans, with the remainder of the area dominated by the Whigs. Whigs thought it useless to look after their interests in Plaquemines, and the possibility of voters going there to exercise suffrage was not considered. 30 But, John Slidell, 31 one of the Democratic leaders, chartered two steamboats, the Agnes and the Planter, and carried voters to Plaquemines where their votes were accepted at the polling booths and a minority had been increased to become and win over the majority. Machine politics as a system had been introduced into the State.32

The vote in Plaquemines had given the State to Polk by a majority of 684 and the Presidency. The leading Whig organ, The Bee, was stunned by the result and asked its readers for forbearance and time until it regained regular control of its "faculties." In twenty parishes, Clay had received majorities which totaled 2,391, while Polk carried twenty-four parishes with a total of 3,075 in majorities. The result in Plaquemines had given Polk a majority in the State, which was greater than the total population in that deciding parish, according to the census of 1840. The result is properties of 1840.

²⁸The Bee, November 4, 1844.

²⁰J. S. Kendall, *History of New Orleans*, II, 206-207. ³⁰Judge K. A. Cross, as cited, I, 50.

[&]quot;John Slidell was born in New York in 1793. He graduated at Columbia College in 1810, then studied law for several years. In 1819 he went to New Orleans and became well-known for his proficiency in maritime law. He was defeated for Congress in 1828. Jackson appointed him District Attorney at New Orleans in 1829, a position he resigned after one year. In 1834 he ran for United States Senator and was defeated. He was married to Mathilde Deslonde, member of a prominent French Creole family, in 1835. In 1836 he was again defeated for the Senate. But in 1842 he was chosen as a Representative from Louisiana. For a brief sketch of his life see Alcée Fortier, (Ed.), Louisiana: Comprising Sketches of Parishes, Towns, Persons, arranged in Cyclopedic Form, II, 463. For an authoritative treatment see

L. M. Sears, John Slidell.

**Judge K. A. Cross, as cited, I, 50.

**The Bee, November 19, 1844.

³⁴Ibid.

³⁵ Edward Stanwood, A History of the Presidency, 223-224.

Protests, local and nation-wide, hastened investigations of the "Plaquemines Fraud." In the State Legislature, Perkins of East Feliciana, introduced a resolution in the House providing for the appointment of a committee empowered to conduct a rigid inquiry into the conduct of the election in Plaquemines. Five members of the House, with James Perkins as Chairman, conducted an investigation of the alleged frauds, from January 18th to February 19th. Nothing of marked irregularity was established against the Democrats, who professed to believe at the time of the election, that the Whig committee was planning to carry out a similar manoeuvre, as the following shows:

MY DEAR SIR:

The steamboat *Planter* will convey to Pointé á la Hache a number of legally qualified voters of New Orleans, who have been deprived of voting at New Orleans. I am sure that being residents of the county their votes will be received by you. The Whig committee are collecting their voters to be dispatched for the same purpose to some point of which we are ignorant.

Very respectfully, your obt. svt.,

JOHN SLIDELL.

Tuesday, 5 Nov.

TO MESSRS. DEBOUCHEL.

RIGISSE. WILTZ.

Pointe á la Hache.37

Senator Barrow, Whig, from Louisiana pressed the charges of fraud in Congress and Slidell had to reply because of the Senator's charges which reflected on him. Barrow declared that the Louisiana legislature's resolutions favoring the annexation of Texas were not the desires of the constituents, who had their election carried by fraud. Slidell did not deny that there were some frauds, but charged the greater amount of them to the Whigs. Moreover, "nine-tenths of all election frauds that have ever been perpetrated in that State were of Whig origin, and in favor of Whig candidates." Furthermore, Slidell asserted that he had conformed to the Constitution and the Democrats had voted according to Whig methods.

The first movement which had influenced internal politics in Louisiana to an appreciable extent, was the agitation for a

³⁶ The Bee, January 17, 1845.

⁸⁷Journal of the Special Committee, House of Representatives of Louisiana, to Investigate the Frauds Perpetuated in the State, During the Late Presidential Election (New Orleans, 1845), 39.

^{**}Concressional Globe, 28th Congress, 2nd Session, 233. February 3, 1845.

constitutional convention, generally favored by the Democrats and opposed by the Whigs. Heavy inflow of population from the other states, where democratic institutions prevailed, caused demands to be made for the reformation of a system which almost excluded popular participation in the administration of local affairs. Religious feeling was intermingled with the reasons for opposition to demands which were regarded by the older residents as revolutionary.³⁹ This agitation for a constitutional convention was no new thing, however. During Governor Roman's term, the Senate twice rejected bills passed by the House and when the upper house finally concurred in this movement, the Governor vetoed the bill.

During the days which followed the Panic of 1837, all classes came to agree that some sort of constitutional guaranty should be established which would protect commercial credits in the future. This feeling so reenforced the increasing Democratic contentions for a revision of the constitution, that the Legislature called a convention in 1844, to meet at Jackson, Feliciana parish. The Convention was called to meet in this village, with the idea in mind that the influences and distractions existing in the city would be missing.

Under the prevailing Constitution—that of 1812—the suffrage was restricted, the judiciary had become irresponsible and corrupt, the public expenditures were unreasonable, no lieutenantgovernor was provided for, property qualifications were required of the Governor, etc.⁴⁰ Outstanding among those leading the movement to revise and amend the Constitution was General S. W. Downs,⁴¹ Democrat.

As early as the middle of 1843, everyone conceded that the masses favored decided changes in the Constitution. Only a very small class were willing to see that instrument remain as it was. The Whigs felt that there was a large number of the people who advocated reforms which were radical and ruinous.⁴²

³⁰Judge K. A. Cross, as cited, I, 52.

⁴⁰Alcée Fortier, A History of Louisiana, III, 233-234; Biography of the Hon. Solomon W. Downs of Louisiana, by a Louisianian, 9.

⁴ Solomon W. Downs emigrated from Tennessee to Louisiana when a young man and settled at Bayou Sara, where he began to practice law. After several years' legal practice he came into a legacy from his father and then moved to the new and rich parish of Ouachita. There he purchased a large cotton plantation, practiced law, and participated actively in politics. He was elected Senator from this district as his first appearance in political office. He became the leader of the "Red River Democracy" which soon acquired great power in the politics of the State Weekly Delta, August 27, 1854.

⁴²The Bee, June 1. 1844.

Their hopes lay, they said, in getting the city ticket elected as delegates so that New Orleans would decide the character of the Convention, and possibly be enabled to check the radical encroachments upon the government, from the country parishes. Both the Whigs and the Democratic candidates were at first hesitant in voicing their opinions as to the proper amendments to be submitted in the Convention.43 But shortly, the Whigs claimed that they would lend assistance to the reforms of the suffrage, executive patronage, apportionment of representatives, the judiciary, and banking, although they disclaimed any intention of so altering the old fundamental law that it would be unrecognizable.44

The adverse results of the Presidential election in November so depressed the Whigs that it seemed that La Sère and Plauché would win almost by default over Charles M. Conrad and J. P. Benjamin in the race in New Orleans for representation to the State Convention. 45 In apprehension, the Bee of November 20th

prophesied that

The dominant party in the Convention are locofocoes. They are in favor of certain measures and a course of general policy, to which the conservative portion of our population are justly hostile. Flushed with their recent triumphs . . . the majority of the Convention will be eager to fasten upon the new Constitution too many offshoots of wild, agrarian and radical theories. They need a check, . . .

But Conrad and Benjamin won by something over three hundred majority and their constituents felt that the "baseless projects of radicalism" would be checked.46

The body assembled August 5, 1844, voted the accommodations at Jackson insufficient, and adjourned to meet in New Orleans, January, 1845.47

Prominent personages in the Convention were S. W. Downs, Ex-Governor Roman, Christian Roselius, Pierre Soulé, W. C. C. Claiborne, Duncan F. Kenner, Felix Garcia, T. H. Lewis, Isaac T.

^{*}The Bee, June 19, 1844.

⁴⁴ bid., June 22, 1844. 45 The Bee, November 20, 1844. Emile La Sère and J. B. Plauché, Democrats, had been defeated by Conrad and Benjamin, Whigs, as delegates to the Convention which met at Jackson, August 5th. But the defeated delegates planned to contest the election, so Benjamin and Conrad stated before the Convention at Jackson, that they would resign their seats and run for re-election if their opponents would accept the results of the returns. La Sère and Plauché agreed, and the contest was held on November 25. Butler, Judah P. Benjamin, 74, 77.

⁴⁶The Bee, November 26, 1844. ⁴⁷Judge K. A. Cross, as cited, I, 52; Gayarre, History of Louisiana, IV, 668.

Preston, Bernard Marigny, George Eustis, Joseph Walker, Horatio Davis, etc. Bernard Marigny was elected temporary chairman. Joseph Walker was then selected as permanent chairman, with Horatio Davis as secretary of the Convention.

During the deliberation, three or four important questions arose, and much debate and discussion occurred. A proposed change in the time of holding the elections precipitated a warm debate in which delegates Marigny, Democrat; Roselius, Whig, and Preston, Democrat, participated. Marigny favored fixing the time in September rather than July, because it was only in September that the permanent residents could be heard, rather than the "birds of passage" who returned to the north "on the approach of the sickly season with their gains" from trade during the winter.48 Roselius differed with him and pointed out that some of the very best citizens fled from the epidemics and went north for recreation and that these would be disfranchised by the change suggested.49 Preston, too, opposed Marigny's proposal, arguing that such legislation would place one portion of the white population over another, and would disfranchise a valuable class of citizens. 50 By this argument, Preston probably meant to imply that the Creoles who were better acclimated, etc., remained in New Orleans during the summers, and would, therefore, reap an unfair benefit from such a condition.

Conrad struck at the transient citizen, also, but denied that Marigny's proposition to hold the elections in September would remedy the evil.⁵¹ On the contrary, he affirmed that foreign strangers who remained in the State because they lacked the means to leave would then decide the elections. Downs, chairman of the committee which reported September for consideration, disclaimed favoring that time. He refused to subscribe to the theory that the city necessarily needed its elections in September to oust a certain type of voters. Also, he continued, the Convention was attempting to make a constitution for the State—not for the city nor for the country.⁵² The motion to strike out September passed.

⁴⁸ Daily Picayune, January 17, 1845.

⁴⁹Some of the old population rather welcomed the scourge as they believed that it would decrease the tide of immigration which would otherwise soon sweep away old customs, language and social institutions, and legislation to which they were trying to cling. Gayarré, *History of Louisiana*, IV, 636.

so Daily Picayune, January 17, 1845.

⁵¹ Ibid., January 18, 1845.

Daily Picayune, January 18, 1845.

The eight sections of the new Constitution provided for the abolition of the property qualification for suffrage, and the residence qualification, as reported by the majority was extended from one to two years in the State, and from six to twelve months in the parish.⁵⁸

As had been expected, the question of the apportionment of representation proved to be one which rekindled dissension between delegates from the country and the city. The section on apportionment provided that each parish should have at least one representative and, "if entitled to any more, in proportion to the population of each, ascertained and calculated according to the principle of representation adopted in the Constitution of the United States."54 This was the familiar "federal ratio" which included three-fifths of the slaves. S. W. Downs was chairman of the committee which recommended the section and defended its action against the charge of injustice to New Orleans, where there were relatively few slaves, hurled chiefly by the city delegation,55 which, he said, had for years determined the political complexion of the State. Christian Roselius, of New Orleans, attacked the section vigorously and advocated a basis of representation fixed on taxable property or on free white male population. To disregard white population as a basis, or to differentiate slaves from other property and to give one representative to each parish, regardless of population, would give the northern or western portion of the State where population was thin, preponderance over the other portions and other interests of the Thus, he pointed out, the western district, without new parishes, would be given representation which would only lack nine of being the whole representation of the State. New Orleans, with one-third the taxes and a white population equal to one-third that of the whole State, would draw only twelve representatives and four senators.56

After speeches from both sides—city and country delegates— Downs answered Roselius' plea for white population, as a basis

Solution of the Convention, 20. A minority report offered as a substitute by Mr. Mayo of Catahoula, retained the old residence qualifications, and was supported by the argument that longer residence did not prove a man's attachment, who had come from another state. W. C. C. Claiborne moved an amendment to the section which provided for a three-year residence term. This was instantly objected to by Splone, Ratlif, and Preston, the latter favoring the old Constitution in this matter. By a vote of forty to twenty-eight the substitute for the section as reported was indefinitely laid on the table. Ibid.

⁵⁴Daily Picayune, February 1, 1845.
56Daily Picayune, February 1, 1845.

of representation by stating that New Orleans would have thirty-three members in the House, nearly one-half that from the entire State. He thought it the purpose of the city delegates to kill the section by the cry of "mad dog," which would unite sentiment against it; but the "reflecting" country members would not join the movement against the federal basis.⁵⁷

In New Orleans, the press bitterly resented the country's grasp at power in this apportionment of the representation, while allowing the city to pay two-thirds of the entire revenue. When Marigny, one of the New Orleans delegates, in a speech attacking the unjust course towards that city, suggested refusal to pay taxes or even separation from the rest of the State as a possibility on the part of the city, his language was termed by one paper, not so "preposterous as some of the members think." But protests that New Orleans was being sacrificed met with the rejoinder that merchants and brokers alone accumulated fortunes, while planters who were contributing to the business in the city, were scarcely able to make both ends meet. 59

With several members absent, the House finally voted 29 to 22 to strike out the federal basis as a standard of representation. The Convention then decided to take as the basis of representation the qualified voters, and to allow one member for every 276 voters. 60 New Orleans was divided into eight electoral districts, although the city delegates contended for six at the most, and allowed her quota of twenty representatives to be apportioned among them. 61 There was division among the delegates from New Orleans as to whether the Senators from the city should be elected by a general ticket or whether the municipalities should form distinct districts. Pierre Soulé supported the latter plan and C. M. Conrad and Christian Roselius the former. The Convention decided the issue in favor of the first plan by a vote of 32 to 30 with Benjamin, Conrad, Roselius, Eustis, Claiborne, Grymes, and two others voting aye while Soulé, Marigny, and Culbertson voted nay.62

⁸⁷Ibid., February 2, 1845. Downs' statement regarding the members in the House from New Orleans was the more accurate.

⁵⁸ The Bee, February 18, 1845.

⁵⁰ Ibid., March 1, 1845.

⁶⁰ Journal of the Convention, 112.

⁶¹ Ibid., 113.

⁶²Ibid., 172-173.

This question was connected with the subject of Consolidation or non-consolidation of the municipalities. (See *Debates of the Convention*, 596-640).

Article Third of the Constitution, as reported by the majority, provided that only a native citizen of the United States, or an inhabitant at the time of cession of the Louisiana territory, should be eligible to the office of governor or lieutenant governor. Soulé spoke for striking out, and Benjamin favored retaining the clause by which naturalized citizens were made ineligible to these positions. The former argued that such a system of exclusiveness might be extended indefinitely, while the latter thought it would prove its merit on a possible crucial occasion. Benjamin's arguments were seconded by Grymes.

As the Convention continued consideration of the motion to strike out the words "except a native citizen," Marigny came to the support of Soulé with an analysis of the native Americans' arguments which were, in a sense, a defense of French interests. He said that the fear that the naturalized citizen would favor the interests of his compatriots in time of peace and even in time of war, had no basis in the history of Louisiana.⁶⁵

The motion to strike out prevailed by a vote of 41 to 27.66 At the same time, a property qualification in the same section provided that the candidate should own property in his own right, situated in the State, to the value of \$5,000. This was killed by a vote of 38 to 28. A motion to strike out the clause providing for a residence, preceding the election, of ten years in the State, carried 40 to 34.67

The qualifications for governor provided that he should be thirty-five years of age, fifteen years a citizen of the United States and the State, and ineligible for reelection until the expiration of four years following his last days in office. Suffrage was granted free white males who were 21 years of age and had been citizens of the United States two years and of the State two years preceding the election. The venerable judicial system was changed in one interesting respect, namely, that judges were to hold office for only six years instead of for life.

⁶³ Journal of the Convention, 113.

^{*}Daily Picayune, February 15, 1845; Bee, February 15, 1845. Both Soulé and Benjamin were foreign born.

⁶⁵ The Bee, February 17, 1845.

⁶⁶ Journal of the Convention, 62.

⁶⁷ Journal of the Convention, 63.

⁶⁸ Journal of the Convention, 212.

⁶⁰Journal of the Convention, 216-217.

An oath was to be required of members of the Legislature and of the State officers that they had never engaged in a duel.⁷⁰

Safety was sought in State financial matters by forbidding the State to subscribe for stock of corporations. The seat of government was to be removed from the vicinity of New Orleans, although Benjamin, Eustis, and other delegates from that city held that influences which supposedly were peculiar to the city, would also be felt in the country.⁷¹

Before the Convention adjourned the municipal election had been held and several Whigs were returned to offices which during the previous year Democrats had held almost exclusively.⁷²

Mid-summer saw the gubernatorial canvass well under way. The contest was lacking in the usual exchange of personalities and vindictiveness to such an extent that the praise of the press was called forth. But a vacancy in the Third Congressional district which centered around Baton Rouge, caused a warm contest between J. T. Cooley, Whig, and J. H. Harmonson, the Democratic candidate. At the time of this election it was also to be decided whether or not the new constitution was to be adopted.

When Orleans parish favored adoption of the new Constitution by a vote of 1760 to 401 all doubt as to the fate of that document vanished. Many, it was known, did not fully approve the new fundamental law of the Commonwealth, but few preferred the retention of that of 1812.75 The vote cast in New

This provision of the new Constitution was approved of by many who had long looked upon such a practice as barbarous. However, duelling was thought to protect the "innocent bystander" from encounters on the street, which would now endanger life and have to be legislated against. Still, it was thought that even this fundamental legislation would hardly deter some who conscientiously believed in the practice. Ostracism from society of his fellows was suggested as a possible means of quelling the turbulent in temperament.

The political disability was provided against offenders only when both parties engaged were citizens of the State. A loophole was thus left for duels between parties when only one of them was a citizen of Louisiana. Much newspaper criticism against the articles—Numbers 89 and 130—was indulged in. Weekly Delta, December 1, 1845; Daily Picayune, December 7, 1845.

^{1, 1845;} Daily Picayune, December 7, 1845.

The first duel after the adoption of the new Constitution was one of the "exception" cases—a citizen and a foreigner—and resulted in the death of the foreigner. (See Daily Picayune, January 22, 1846.) The second duel, fought a few days later, in February, was between two citizens. The survivor was immediately arrested. Daily Picayune, February 7, 1845.

The Bee, March 8, 1845.

⁷² Ibid., April 8, 1845.

⁷⁸ Daily Picayune, August 14, 1845.

⁷⁴ Ibid., November 1, 1845.

be strictly neutral." This claim was reiterated November 8, 1847, and, in fact, constantly voiced until 1856. Reasons for a partisan stand at that time and after will be easily observed as this story progresses.

Orleans was exceedingly small, due to the belief, it was said,⁷⁶ that no doubt existed as to its adoption. The three municipalities of the city contained thirteen wards and twelve gave "favorable" returns. The third ward of the third municipality voted "against" by a majority of eleven, while opposition was uncomfortably close in two of the five wards composing the first municipalities.⁷⁷ The second municipality was overwhelmingly for the Constitution.

Returns were made to the secretary of State from 44 out of 45 parishes. Three parishes, De Soto, Ouachita, and Washington gave unanimous ballots for the new instrument, while all others, with two exceptions—St. Bernard and Terrebonne—which gave approximately one-third against it, went overwhelmingly in favor of the recommendation of the Convention. In one parish, West Baton Rouge, the vote was 96 for to 88 against adoption, and St. John the Baptist was notoriously alone in opposition by 48 to 38.78 The entire vote of the State, with the exception of that of Caddo, which was not received, was 12,277 for and 1,395 against adoption.

⁷⁶Daily Picayune, November 1, 1845.

⁷⁷These were the old French residential and business sections.

⁷⁸ Weekly Delta. December 1, 1845.

CHAPTER III

THE WAR WITH MEXICO AND THE REVIVAL OF THE WHIGS, 1846-1847

Because the duties which faced the first Legislature under the new Constitution were deemed more important than those confronted by General Assemblies of the past, the State elections to be held in January were spoken of with more than usual seriousness. The Democratic nominees for Governor and Lieutenant Governor were Isaac Johnson and T. Landry, respectively. Throughout the State, the Democrats thoroughly organized and selected candidates for all positions, from the lowest to the highest elective offices. This plan was used, for instance, in selecting a color bearer for the vacancy created by John Slidell's resignation as congressional representative of the First District.² The Whigs ran Wm. DeBuys and General Edward Sparrow for Governor and Lieutenant Governor, respectively.

There was lively campaigning by the three parties, but decorum and magnanimity characterized the entire canvass.3 Naturally as the campaign drew to a close, a greater number of party meetings were held, and more frequently. In New Orleans both Whigs and Democrats had completed their nominations for the Legislature by the eighth of December. Roselius, A. C. Bullitt, and T. G. Hunt were among the more active leaders of the Whigs in the city.

An independent party, the "natives," named Charles Derbigny and L. De Shields as their gubernatorial candidates.5

The election was orderly but the vote was small due to a severe northeast storm which prevailed throughout the day.

Weekly Delta, November 10, 1845.

³Daily Picayune, December 16, 1845; Weekly Delta, December 22, 1845 Slidell had been appointed minister to Mexico.

Daily Picayune, January 18, 1846; Weekly Delta, January 19, 1846.

⁴¹bid., December 8, 1845.

Pierre Soulé, J. M. Bell, Charles Daunoy, and T. J. Durant were city Democratic Senatorial candidates. C. M. Conrad and General S. Barrow were the main orators at the Whig meetings The Commercial Exchange, Bank's Arcade, and the St. Louis Ball Room were much in demand for these meetings.

A "native" or "Louislana American Party" was formed by Glendy Burke, W. C. C. Claiborne, and W. A. Violett, J. P. Benjamin, and other prominent citizens of New Orleans, in December, 1844. Its purposes were reform of the ballot and the naturalization laws. Its existence, as a third party in the State was doubtful. Benjamin, for instance, as a Whig, had no interests in its continuance other than to hope it would better local political conditions. Pierce Butler, Judah P. Benjamin, jamin, 71.

The Democratic standards were successful with Governor, Lieutenant Governor, and all State Senators from the city elected, though the Whigs cast a respectable number of ballots.6 Returns canvassed before the Legislature gave Johnson 12,403, and DeBuys 10,335 votes.7

Governor Johnson, installed on February 12, 1846, congratulated the Legislature upon improvement in the affairs of the State, and suggested some benefits which would accrue from the reorganization of the government under the recent constitution. Internal improvements on Red River, and a railroad to be constructed from some point on the Mississippi to Grand River or somewhere convenient to Attakapas and Opelousas parishes were among his first recommendations to the Legislature. Modification of the law which assessed capital punishment against a duelist whose antagonist was killed, was suggested, for the sake of better enforcement. To protect the interests of slave owners and society of the State in general, he recommended the passage of an act which would imprison in the penitentiary for life, all slaves and free persons of color who were found in Louisiana after committing crimes in other States.8

Various problems confronted the Legislature, yet little of outstanding importance was actually accomplished before public interest turned to the Mexican War. An assembly of both branches of the Legislature on February 16 to elect a successor to Senator Barrow, whose term was to expire March 4, 1847, resulted in the choice of Downs, Democrat, over Grymes, Whig, by a vote of 77 to 45 with four votes "scattering."

The next question arising in the Assembly which renewed sharp divisions of the past year was over the provisions of the Constitution to remove the capital from New Orleans. members who favored removal had desired to escape the lobbyists and other contaminating influences of the city. Those who hoped to see the city remain the seat of government argued that Donaldsonville, St. Francisville, or Baton Rouge lacked lodging accommodations, that the distance from "the evils of New Orleans" was inconsiderable, and that retreat from lobbyists would not necessarily give relief.9 Various legislators spoke in behalf of a town in their respective parishes, but the House finally voted on

Wives or or

^{*}Daily Picayune, January 22, 1846. *Ibid., February 11, 1846. *Weekly Delta, February 16, 1846. *Weekly Delta, March 2, 1846.

Baton Rouge, 54 to 35.10 The Senate had already voted this location. Still some members insisted that only temporary quarters in Baton Rouge should be secured until the people had spoken on the question. The question was to be one before the body for many years. The Legislature had abolished imprisonment for debt "except in case of fraud," but had accomplished little else on the program of reform when the outbreak of war with Mexico diverted public attention from its deliberations.

At the beginning of hostilities some 6,000 citizens had volunteered, been equipped by the State, and sent to Taylor. Approximately fifty out of less than two hundred printers in the city early volunteered. In fact, the citizen soldiery of the State had evinced eagerness for action in any cause for which their services were needed, as early as August, 1845.¹¹ On August 2, news arrived at New Orleans that Louisiana volunteers were returning home. Although these men were "three month" volunteers, their recall by the Government was made the occasion for much controversy by certain newspapers, which declared the Government's act unjust, and took the Administration to task.

The disbanding of the volunteers from Louisiana without giving them a chance at service was characterized by the *Picayune* of August 2, as "the supercilious insolence of an incompetent Secretary of War, the hesitating policy of a weak, scheming and vacillating administration." The *Delta* withheld comment, but thought that, "on the face of it," the proceeding "betrays gross and reprehensible bungling." The *Louisiana Courier*, New Orleans, promptly justified the act of the War Department on its carrying out of the law which provided that they could not be held longer than three months unless they enlisted for one year, under the act of May, 1846. But the *Picayune* replied that General Gaines' report of the matter for six months had been approved by the Secretary of War, who should have known the law. The *Courier* thought that the *Picayune*'s criticisms of the administration in this regard smacked of "Whiggery." But the *Picayune*

¹⁰ Ibid.

[&]quot;Daily Picayune, August 19, 1845.

¹⁹The men were paid by the federal authorities, but not without their attempting to deduct charges for clothing from the soldiers' pay which, although allowable, was considered unfair and niggardly by the Governor, who authorized that they be paid in full. The sum expended by the State in equipping and transporting its six regiments to the Rio Grande was \$265,905.05, including interest. Daily Picayune, January 12, 1847. This was subsequently paid by the General Government.

January 12, 1847. This was subsequently paid by the General Government.

¹⁸Weekly Delta, August 3, 1846. Evidently, these papers were playing politics.

¹⁴The Courier was the chief Democratic organ of the State.

¹⁸ Daily Picayune, August 6, 1846.

¹⁸ Ibid.

hastened to disclaim any intention to insinuate that the war was a "Whig" or a "Democratic" war. 17 A long controversy between General E. P. Gaines and the War Department was aired in the press. Whether or not Gaines knew the law on this, he claimed, briefly, that he was authorized by Secretary of War Marcy to muster volunteers in case of "imminent peril," on the border. A Court of Inquiry on the part of the Government recommended that proceedings be stopped against Gaines, who was charged with acting in excess of instructions.18 Still the whole affair left bitterness and chagrin in the feelings of many toward the administration, and some certainly felt that they had been the victims of bungling political climbers in the Cabinet.19

Attention was willingly diverted again to local contests between the two great parties. The Democrats had had a majority of 12 in the House and 8 in the Senate at the commencement of the first session of the existing Legislature. Election gains during and after that session, balanced the House with 48 members of each party, and two vacancies. The Senate was composed of 13 Whigs, 17 Democrats, with two vacancies.20 Senator Barrow died in office, and the two houses of the Legislature held a joint meeting on January 20 to choose a successor to serve the remnant of his term which expired on March 4th. Twenty-six Senators and eighty-seven Representatives were present, which made the whole number of votes 113. Of the 113 votes cast Pierre Soulé, Democrat, received 59, L. Bordelon, Whig, 52, A. B. Roman, Whig, 1, and I. E. Morse, Democrat, 1, whereupon Soulé was declared elected.21

The Democrats had won the first victory of the year, but their opponents hoped to balance their disadvantage in numbers by filling the vacancies during the special election to be held early in February, with men of their party. On the Senatorial ticket, the city was to choose between James P. Freret, Fergus Gardere, old "standby," as designated by the Delta, and young Creole, respectively, nominees of the Whigs, and M. M. Reynolds,

The mere fact that this Whig journal saw fit to make such an explanation is indicative of some opposition to the war on the part of the Whigs, who, at first, no doubt felt themselves in duty bound to oppose movements of the Democratic administration. However, if possible expansion to the south lurked as an unpleasant thought to some of the Whigs, others soon were largely appeased with the fact that Whig generals were conducting the campaigns against the enemy.

¹⁸ Daily Picayune, August 11, 13, 17, September 2, 1846.

¹⁰ Weekly Delta, August 17, 24, 1846. 20 Weekly Delta, January 11, 1847. 21 Daily Picayune, January 20, 1847

a young Anglo-Saxon, and Isadore Labutut, an old French physician, Democrats. An important vacancy in the Third Representative District was being contested between Randell Hunt and T. H. Howard.²² The returns gave a majority of the offices to the There was little party feeling manifested in the election, although some propaganda published in one newspaper revealed a feeble attempt to arouse friction over the subject of Irish versus native American conduct in the war.23 The campaign had been devoid of issues, but the new Federal Senator, Pierre Soulé, as a Democrat, defended the administration's conduct of the war,24 and a Democratic meeting at the St. Louis Exchange passed resolutions in support of the Chief Executive, though party considerations, as such, were disavowed.25

The municipal elections in April, 1847, passed off with little Members of the General Council and Aldermen were to be elected and party tickets were made out. The Whigs gained the advantage in the First and swept the Second Municipality, where considerable party feeling and some excitement was exhibited, while the Democrats were victorious in the Third.26

Politics waxed warm in the campaign for Congressional offices. Candidates were early in the field. In the Fourth District the Whigs centered on Isaih Garrett to oppose Isaac E. Morse, Democrat, for re-election to Congress. The Third District, which was always considered a hard field for the Whigs, Harmonson, Democrat, had two opponents, Col. R. A. Stewart, an "Independent Taylor Candidate," and Saunders, the regular Whig nominee.27 The contest was decidedly interesting in the region of sugardom, the Second District, which was composed of the Second Municipality of New Orleans, and the parishes of Lafayette, and Lafourche Interior. The voters were chiefly tradesmen and mechanics of the city and planters in the country. Here the Whigs generally ruled but the falling off of an expected parish was sufficient to reverse the results.28 They had long named the candidate for the District, although it now possessed only five hundred voters to five thousand of the remainder of

²²Weekly Delta, February 15, 1847.

^{**}Daily Picayune, February 23, 1847.

**The question of the right and justice of the war was not pronounced a closed issue, by some of its most ardent supporters, until October, 1847. Weekly Delta, October 4, 1847.

²⁸ Weekly Delta, March 1, 8, October 4, 1847.

^{*}Daily Picayune, April 6, 1847; Weekly Delta, April 12, 1847.
*Weekly Delta, July 26, September 27, 1847.

²⁰ Ibid., July 26, 1847.

the unit, and a nice quarrel at times resulted, of which the Democrats stood ready to take advantage.20 The Whigs of the Second District made honesty and efficiency the keynote of their efforts which they united around Bannon G. Thibodaux, while the Democrats chose Landry as their nominee. Jacob Barker³⁰ was persuaded by some of the citizens of New Orleans to enter the race as an Independent candidate. The First District had choice of Emile La Sère, Democrat, and Edgar Montegut, Whig.

There was much excitement but little disorder in the election, which occurred on November 7.31 Official returns gave the First, Third, and Fourth Congressional Districts to the Democrats, with the Whig candidate victorious in the Second by 801 votes.³² Returns for the Legislature resulted in 45 Democrats and 49 Whigs being selected in the lower house, with the Senate victors tied—eight Whigs to eight³³ Democrats in a House of thirty-two members. Orleans Parish gave La Sère, Democrat, a strong majority, but the Representatives to the State Legislature were ten and ten.34 Nevertheless, the work of the Conven-

Officers of election in the country parishes were instructed: first, to hold the election on the first Monday in November, with three commissioners, who had been appointed in October, in charge. Second, polls were to be open from nine to four o'clock. Third, a challenged person should be required to take the oath on residence, and the oath on duelling. Fourth, returns were to be made in triplicate to: the Secretary of State by mail, messenger, and the third copy to be deposited with the clerk of the District Court. Fifth, a tie vote was to be decided by a special election held within ten days after the regular election.

Some half dozen provisions were embraced in the act governing elections in the parishes of Orleans and Jefferson. First, the general features of the act were similar to the above. Second, a voter was to vote in the precinct where he had slept for the three months preceding th election. Third, for illegal voting, a fine of \$500 and one year imprisonment at hard labor was the penalty provided. Fourth, minutes of oaths administered to challenged voters were to be kept. Fifth, polls were to be open from nine to six o'clock. Sixth, duplicate returns were required; one copy to the Secretary of State, the other to the clerk of the First District Court. (See summary in Weekly Delta, October 25, 1847).

^{*}DEccentric, but able financially and politically. One of the oldest citizens, who had done good service in the War of 1812.

³¹The elections were to be held under the new election law, the act of June 1, 1846, which provided for the regulation of elections over the State except in the parishes of Orleans and Jefferson. The act of January 25, 1847, regulated elections in Orleans and Jefferson.

Qualifications for suffrage over the entire State were, in brief: first, the voter must be a free white male, two years a citizen of the United States, 21 years of age, and resident of the State two consecutive years and one year in the parish in which he voted, preceding the election. Second, ninety days consecutive absence interrupted the residence designated unless he had business out of the State or possessed a dwelling which was occupied by an employee or a family during his absence. Third, no voter was to be arrested while going to or from the polls unless charged with felony. Fourth, the voter was not entitled to vote in other parishes or precincts than the one in which he resided. Fifth, no vote was to be exercised by sailors, soldiers, marines, paupers, convicts, etc.: (Acts, 1846, First Session, Nos. 105, 106).

⁸²Barker received only three hundred and eighty votes in New Orleans and Lafayette and one in the country. Weekly Delta, February 12, 1849. st Weekly Delta, November 22, 1847.

[&]quot;Ibid., November 8, 1847.

tion of 1845 had really broken the sceptre of the Whig party, though the fact was unadmitted for years.

Down in Mexico, the War continued during 1847, and Scott began his march toward the capital. The Weekly Delta became greatly interested in the form of government that would prevail following the defeat of the Mexican forces. It suggested that³⁵ the American troops should organize and maintain a trial Republic. The same journal had suggested the annexation of the northern states of Mexico, with their consent, and remarked on the similarity of such a movement to that which had occurred in the case of Texas.³⁶ The admission of slavery as a condition to annexation was not demanded by these expansionists. This provision was to be left to the will of the people, which the men of the north would have to admit had the voice, else civil war could at any time result from other than just and gradual emancipation.³⁷

Months later, the *Delta* termed the Wilmot Proviso "unconstitutional" which claimed that it desired for the South only its rights in order that the only alternative would not have to be taken. At the same time, it again urged occupation of the whole of Mexico. Other papers of the city had little to say on this question; but the *Picayune*, which claimed to be "independent," and the *Courier* resumed an old controversy from a new angle which they carried on in a long discussion in regard to the merits, or lack of them, on the part of General Pillow, of the invading army. The *Courier* severely criticised the *Picayune* for belittling the General's qualifications during his campaigns while with Scott. The *Picayune* denied that it was "Whig" or that it was harassing Pillow because he was a Democrat, appointed as one of several newly created officers by acts of the Administration.

Booms for Taylor for the Presidency, sounded in June, 1846, were frowned upon in Louisiana, as distasteful. Justice was undoubtedly to be done him, but it should be only after he was allowed to conclude his mission in Mexico.⁴⁰ It soon became evident, however, that Taylor would be strongly supported in

³⁵May 24, 1847.

³⁶ Weekly Delta, January 11, 1847.

⁸⁷¹bid., January 18, 1847.

³³ Ibid., November 22, 1847.

^{**}The Daily Picayune, June 2, 30, July 2, 17, August 27, September 11, 19, 21, 1847. The Bulletin and the Delta were involved, incidentally. The Picayune admitted being Whig in its politics.

Weekly Delta, June 29, 1846.

the State for the Presidency, and that efforts would be made to enlarge upon his tremendous following by showing that he was not a party man. This fact was early established when the Bulletin, a Whig journal, was scathingly censored by other Whigs for carrying his name as a candidate for the Presidency, "subject to the decision of a Whig national convention."41 It was claimed for him, at the same time, that he was above the need of party nomination. When the Bulletin claimed the distinction of nominating the General-which J. W. Zacharie also claimed-and taunted the "neutral democratic Delta" for being annoyed by that act, the Delta retorted that the old hero was not one "to be used by any party that might first appropriate him."42 Enthusiastic supporters of Taylor persisted in honoring him in ways which were labeled as "embarrassing" to a man still in the military field, where party was not to be considered.43 But the Whigs serenely ignored all warnings that party appropriation of a popular hero was odious to independents and calculated to prejudice eventually the Democrats, to whom it was unfair.44 The Democratic Advocate of Baton Rouge, the place of Taylor's old residence, assured its Democratic friends that General Taylor would pay little attention to party in appointing men to office, but that he was not in harmony with the acts of the present Democratic administration, except on the tariff policy.45 The same newspaper condemned the Whigs of Baton Rouge for calling a convention to nominate a "Rough and Ready Candidate" for Congress, under the halo of Taylor, for whom all now stood. 46

Thus, throughout the summer and fall of 1847, a majority of the newspapers of the State continued to speak of the General as neutral on parties, and even the *Bulletin* asked its most bitter rival to support Taylor on these grounds.⁴⁷ The Democrats were quiet while the opposition was making the most of their military hero, but Slidell wrote Buchanan early in November that Louisiana Democrats favored a northern candidate who was opposed to the Wilmot Proviso.⁴⁸ When the General arrived in New Orleans, December 3, 1847, he was gloriously received,

[&]quot;Daily Picayune, April 8, 9, 1847.

New Orleans Commercial Bulletin, April 8, 1847; Weekly Delta, April 26, 1847

^{*}Weekly Delta, May 3, 1847; Daily Picayune, May 23, 1847.

[&]quot;Weekly Delta, May 3, 1847; Daily Picayune, May 23, 1847.

⁴⁵Quoted in the Weekly Delta, May 24.

⁴⁸ Democratic Advocate, Baton Rouge, June 9, 1847.

⁴⁷Weekly Delta, July 19, August 2, 1847.

⁴⁸L. M. Sears, John Slidell, 79.

dined and feted.⁴⁹ Yet before the end of the month, mass meetings were being held for the purpose of selecting delegates to meet in New Orleans on February 22, 1848, to "nominate an electoral ticket pledged to the support of General Taylor for President." A few weeks were to decide whether the "old hero" would run for President irrespective of party considerations.

(To be continued)



Daily Picayune, December 4, 5, 1847.

THE SYSTEM OF REDEMPTION IN THE STATE OF LOUISIANA

By J. HANNO DEILER
Professor at Tulane University of Louisiana
SECOND EDITION

Published by the Author

Translated from the German text of the Original BY REV. LOUIS VOSS, D. D.* of New Orleans 1 9 2 9

PREFACE TO THE FIRST EDITION

But little is known of the history of the Germans on the Lower Mississippi. True, the older French authors knew of a considerable German immigration in 1721, but they only mention it with few words, and all the later historians have contented themselves with what they found in the older histories of Charlevoix, Dupratz, Bossu, Marbois, et al. Also the German travelers who since came down the Mississippi and visited the coast known under the name of "Des Allemands," have only copied, instead of bringing new information about the members of our race. so the immigrants of today know nothing about those of yesterday, except that once they were here and that today upon their lands there lives a French-speaking Creole population which by their industry, their frugality and their large families of children, as well as by their German family names, but not by their language and customs, remind us of their German origin, though these names have been mutilated by the French and Spanish officials of the last century.

This was the older German immigration on the Lower Mississippi.

But a similar fate threatens the *younger*, for already the year 1888 is at an end and no attempt has yet been made to gather the

EDITOR LOUISIANA HISTORICAL QUARTERLY.

^{*}This unusually interesting contribution to the History of Louisiana has never before been translated. The Author (the late Prof. J. Hanno Deller of Tulane) wrote another book, "The Settlement of the German Coast of Louisiana." which is an authority on the subject therein treated. This is in English and it should not be confused with the System of Redemption here translated.

materials for a "History of Immigration during this Century." Now, as the preserved documentary proofs do not go back very far, and our older Germans whose memories extend even farther, are rapidly passing away, haste is required, lest many things which today might be ascertained but for the trouble of inquiring and collecting, will be irretrievably lost in the near future.

May this present booklet, therefore, which gives some results of my own investigations, be a modest beginning. If I should succeed in interesting larger circles in historical labors and in starting the organization of a German Historical Society, I would feel richly repaid for my trouble.

New Orleans, Sylvester evening, 1888.

J. HANNO DEILER.

(Sylvester evening is New Year's Eve.)

PREFACE TO THE SECOND EDITION

The first edition of this booklet appeared in January, 1889, and enjoyed a very favorable reception. But my wish that it might lead to the founding of a German Historical Society, was not realized. It did result, however, in inducing "The German Society of New Orleans" to start and permanently maintain a German Archive, for which I hereby duly express my thanks.

In the second edition the chapter on "Sally Müller, the White Slave," which at its first publication aroused great interest, could be considerably enlarged, as I succeeded in finding a translation of the English pamphlet published by Lawyer Upton, the chief attorney of Sally Müller in her suit to gain her liberty, in 1845, on that famous case.

This translation which is found in "The New Orleans German Courier" of July 16 and 19, 1845, will, so long as the English original edition and the written arguments submitted to the Supreme Court of the State of Louisiana are not found, have to be regarded as the sole reliable source for the evidence on which the plaintiff based her case. As it is to be assumed that the publishers of the Courier also strove to spell correctly the German names mutilated in the official documents, I thought that I ought to follow their spelling.

And thus this new edition has become an enlarged, and as I hope, an improved one. May it win new friends to the history of

the Germans of America and fellow laborers with me in the field of the History of the Germans on the Lower Mississippi!

New Orleans, La., March 13, 1901.

J. HANNO DEILER.

SAMPLE OF AN AMSTERDAM SHIP CONTRACT FOR PASSAGE TO AMERICA.

(According to Fürstenwärther.)

In the second place, we agree to pay our freight* upon the following condition:

Those who are able to pay same in Amsterdam, will pay each, whether man or woman, 170 gilders.

Children under 4 years old are free.

From 4 to below 14 they pay 85 gilders.

From 14 and older they pay 170 gilders.

Those who are unable to pay here and are willing to pay in America, will give 190 gilders, whether man or woman.

Children under 4 years are free.

From 4 to below 14 they pay 95 gilders.

From 14 and older they pay 190 gilders.

Those who pay their freight in America shall be required to remit it in 10 days after arrival. No passenger shall be permitted without the knowledge of the captain to leave the ship in America, and especially those who have not paid their freight.

^{*}Used in the sense of "fare" throughout this paper.

Should any of the passengers depart in death during the journey, the family of such, if he dies beyond half of the way from here, shall be required to pay his freight; if he dies this side of half of the way, the loss shall go to the account of the captain.

Sundays—One pound of beef with barley, two cups for five freights.

Mondays—One pound of flour and one pound of butter for the whole week.

Tuesdays—One half pound of bacon boiled with peas. Three cups for five freights.

Wednesdays—One pound of flour.

Thursdays—One pound of beef with potatoes; a quarter barrel for five freights.

Fridays-One half pound of rice.

Saturdays—One half pound of bacon with peas, three cups for five freights, one pound of cheese and 6 pounds of bread for the whole week.

One measure of beer, and one measure of water per day. As the beer turns sour and is exceedingly harmful to the health of the passengers, beer will be taken only for a part of the journey and when this is exhausted, a double portion of water will be given. Half of the water must be used for cooking. Vinegar, too, will be taken along on the ship not only to keep the same clean and to insure always good and fresh air, but especially also to refresh the people.

We promise to abide by all the above and to this end pledge our persons and our goods, as per right.

Note—Prices mentioned herein were for the passage to one of the Eastern ports of the United States, not to New Orleans. But how little the captains observed the conditions of the contract is testified to by the story of the suffering passengers of the ships "Emanuel," "Juffer Johanna" and "Johanna Maria."

THE AUTHOR.

THE SYSTEM OF REDEMPTION IN LOUISIANA.

By the name of Redemptioners such immigrants were designated in the 17th and 18th and at the beginning of the 19th century, who obligated themselves upon embarking in Europe to defray the costs of their passage by hard labor in America. Upon their arrival at the port of destination they were detained on board of the vessels until some one was found who covered their debt of traveling and in return received a contract of service which bound the immigrant to hard service for three to eight years according to the amount of his debt and the value of his labor. During this time the redemptioners received lodging, board and clothes, but no wages, and as the contract entered into was legally binding, he could be compelled by the courts to serve his full time.

There are early indications of this manner of shipping immigrants and hiring them out, but in most of the North American ports and in the West Indies (on Martinique and Barbados) it existed principally in the second half of the previous and until the thirties of this present century, while now it has been abolished everywhere for many years.

The question when the system of redemption was introduced in Louisiana cannot be decided with certainty owing to the lack of proofs.

From the first settlement (1699) until the year 1712 the French government itself assumed the transport of immigrants to Louisiana, i. e., in its own vessels, which seems to justify the assumption that at that time no real system of redemption existed, although the admission of those who offered to emigrate or were morally compelled to do so³ may have been connected with certain conditions.

From 1712 to 1732 the acquisition of colonists and laborers was a matter for individuals (concessionists) or societies who in return for the lands granted or commercial privileges had to bring a number, determined by the government, of laborers, artisans

¹According to Seidensticker's "History of the German Society of Pennsylvania" (in German), Wigard Levering already in 1686 entered into an agreement with the Frankfurt Society to pay the costs of his passage to Philadelphia by labor.

²C. C. Robin's Journeys, Vienna, 1811.

Son the transport of evil characters, etc., etc., see the letters of the Jesuit

Charlevoix, Marbois, Philadelphia, 1830, page 115. Gayarré, I, 242.

'Antoine Crozat and the Mississippi Company. Names of Concessionists: John Law, Chaumont, St. Reine, de Mazieres, d'Artaguette, Paris d'Ancenis, d'Artagnac, de Meuse, Chauvin, etc. See Howe-Martin, 139 and 147.

and colonists to Louisiana⁵ and hoped to be reimbursed for their expenses by the enhanced value of their lands and increased revenues of their commercial monopoly. At that time "Les Engages" are mentioned, i. e., persons who had been brought over to labor on the plantations (concessions) and the term "Ouvrier de la Compagnie" is often found in the official records, but the kind of service is nowhere sufficiently explained to decide the question whether these were simply day laborers or redemptioners in the sense above referred to.

On Nov. 16, 1716, however "The Council of the King" issued an order that all vessels sailing from France to any American colony of the King of less than 16 tons capacity must take four, and if above that capacity, six redemptioners whose time of service was fixed at three years. They must be strongly built persons, at least four feet tall and aged between 17 and 40 years. Redemptioners who could not be sold by the captains, were assigned by the governors to such plantation owners as had none and agreed to pay the passage money.

From 1732 to 1769 the administration was again in the hands of the Government.

In 1769 began the Spanish dominion under which immigration from Spanish countries was favored and many settlers were brought to Louisiana from the Canary Islands at the expense of the King, while the French emigrated to San Domingo, and communication with non-Spanish countries was nearly completely prohibited.

On November 30, 1803, the colony was again restored to France, but only to be ceded 20 days later to the American Free States. Now the laws received from the Spaniards, "Las Siete Partidas" were made to conform to the Constitution of the United States, changed, amended and then, by order of the Territorial Legislature of 1805, collected and published by Moreau-Lislet and Brown.

In this "Moreau-Lislet-Digest" there is found again authentic information about the system of redemption in Louisiana, legal enactments about the position and treatment of redemptioners (indented servants.)

The system was promoted by the act of Congress of February 3, 1807, which prohibited importation of slaves from for-

The Mississippi Company agreed to furnish 6,000 whites and 8,000 negroes Bunner, 63.

Martin, 122. The law of May 21, 1806.

eign parts and enhanced the price of negroes in such a way that it resulted in brisk smuggling of slaves and a lively demand for European redemptioners.⁸

That this demand was supplied, the greed of the European ship-owners, especially those of Holland, took good care, who sent hordes of agents, called the "Newlanders," up the Rhine to engage "freights" for America. Promising wealth to the poor and liberty to the oppressed, assisting those without means with spending-money, and helping property owners in disposing of their possessions, these traffickers in human beings went from village to village and enticed numerous victims down the Rhine to stuff them into their vessels, in whose stinking air the unfortunates had to fight the worms for drinking water, succumbed to pest-like fevers and often literally starved to death.

This of course did not trouble the ship-owners, for as long as there were any surviving passengers on board, they were held responsible for the debts of the dead. Children had to work off the passage money of their starved parents, and if there were no relatives, the loss was distributed impartially among the rest of the passengers and the contract money was raised correspondingly for all. The effects were seized by the sailors, so that they too "found" remuneration for the trouble they had had with the dead.

We shall hear more of this matter in the chapter on "The Hollanders in New Orleans," so we can pass on now to a description of the condition in which the redemptioners were finally, when having survived the dangers and sufferings of a sea trip of several months, they landed in the port of New Orleans.

And still for other reasons the redemptioner commended himself. Thus the Frenchman, Robin, who traveled in Louisiana between 1802 and 1806, reports: "These hired laborers, accustomed in Europe to work, are useful to their masters from the first moment, while it takes one or two years to train African blacks. For the price which a planter spends on a negro, he can get five to six hired laborers who sometimes have various talents and can be purchased much more easily than an African, and when the planter loses one or more hired men, he does not risk his fortune as when he loses one or two slaves. With the hired men he soon gains as much as they cost him, receiving the fruit of their labor at once. This system has the additional advantage of preventing the extraordinary dearth of negroes." C. C. Robin's Journeys, German edition, Vienna, 1811, I, 295 and 296.

[°]In 1817, on the Dutch ship "Hope," destined from Amsterdam to Philadelphia, Captain Klein, all persons except the captain, mate and a single passenger, took sick of typhus, and on the ship "April," Captain Degroot, which sailed in December of the same year for the same port, of 1,200 passengers nearly 500 died of the shippest. See Seidensticker's "History of the German Society of Pennsylvania," 104.

CONDITION AND TREATMENT OF THE REDEMPTIONERS IN LOUISIANA

Even before the ship completed the trip from the mouth of the Mississippi to New Orleans (116 miles) which with unfavorable winds often lasted two to three weeks, the agent would announce through the public newspapers that a load of redemptioners was due and that those interested might apply.

Thus the following advertisements appeared on the arrival, on Feb. 28, 1807, of the Bremen vessel "Mississippi" which had been taken to Montserrat by Barbados pirates:

(Original)

A Engager

Une quantité d'Allemands des deux sexes et de tous métiers arrivée de Bremen en Allemagne, sur le brick Mississippi, Capitaine Johannsen. Ils désirent s'engager pour payer les frais de leur passage. Ils jouissent d'une santé robuste et ont de bonnes qualités. Le plus grande nombre est en famille. S'addresser au capitaine á bord ou á A. F. Strauss.

(Translation)

A number of Germans of both sexes and all occupations has arrived on board of the brig "Mississippi," Capt. Johannsen, from Bremen in Germany. They desire to hire themselves out to pay for their passage. They enjoy the best of health and have good qualities. The majority consists of families. Apply to the captain on board or to

A. F. Strauss.

So purchasers and those moved by curiosity gathered at the landing place near the present French Market and scanned with critical eye the new arrivals lined up on the levee or on board of the vessel, to select whatever seemed commensurate with their needs. Then, when the passage money had been paid to the captain or agent, the redemptioner was taken to the Mayor of the City in whose office the contract was drawn up, signed in the presence of two witnesses and upon the payment of a fee of five dollars (later reduced to one dollar) handed to the purchaser.

Here is a copy of such a contract:10

¹⁰ See Law of May 21, 1806, "Form of Servants' Indenture."

"This indenture, made the day of day
in the year of our Lord witnesseth that (if under
twenty-one years of age, say with the consent of his or her parent, guardian or curator, or if none such exist, then with
the consent and approbation of the mayor, judge or two jus-
tices of the peace in the proper county) of the county of
in the territory of Orleans, for and in consideration
of the sum of dollars to him (or her) in hand paid
by of the same place, as also for divers other
good causes, hath bound and put himself (or herself) servant
to the said to serve him, his executors and
assigns, from the date hereof, for and during the term of
years11 thence and next ensuing, during all which term the
said servant, his master, his executors and assigns, faithfully
shall serve, and that honestly and obediently in all things as a
good and dutiful servant ought to do; and the said master, his
or her executors and assigns, during said term shall find and
provide for the saidsufficient meat, drink, apparel
and lodging.

"In witness whereof, etc., etc."

Such a contract was considered as a sale effected in all due form of law. See "Louisiana Digest of Civil Laws," 1808, page 36:

Article IV.

"When a person has bound himself to serve another during a settled time, for a certain sum of money paid, such contract being equivalent to a sale, the engagement resulting therefrom is much more strict and rigorous than that which is entered into by persons who merely let their daily services for certain wages."

Thus there began a hard time for the redemptioner. Though it was not the compulsory labor inflicted on him that specially oppressed him (he had learned to work in Europe) there were not lacking reasons for complaint. Above all there was the lack of personal liberty and an existence worthy of a human being. During his time of service the redemptioner

[&]quot;The legal time of service of minors ended with girls at the 18th, with men at the completed 21st year of age. Men and women who had completed the 21st year could be "bound" for seven years. According to Art. 167 of the "Civil Code," edition of 1890, persons of full age can now hire themselves out for only five years.

was a slave. Like him he was completely exposed to the whims of his master and however hard his service might become he was not at liberty to leave it, for runaways were seized and for every day they had filched from their masters they would get a two days' penalty. He could be lent or sold to others and even the possibility of bodily castigation was not excluded.

See "Civil Code" of 1808.

Article X.

"A master may correct his indented servant or apprentice for negligence or other misbehavior, provided he does it with moderation but he cannot exercise such rights with those who only let their daily services."

The "Civil Code" of 1825 contains after "moderation" the words: "and provided he does not make use of the whip."

But even without the whip they suffered many humiliations. Especially did they suffer from the taunts of the negroes who were glad to see members of the hated white race share with them the yoke of bondage, and openly gave expression to their malicious joy. That, I was told by old Germans, was the hardest of all for them.

But otherwise they said they had been well treated as a rule, though hunger had driven many from places where otherwise they were fairly well treated.¹² No wonder that they deserted in mass and the newspapers of that time almost daily contained warrants of apprehension.

We subjoin a selection of such notices from the advertising columns of old New Orleans papers:

(From the Louisiana Gazette of Feb. 2, 1807.)

(Translation)

"Yesterday morning, about 11 o'clock, an indented servant of the undersigned, by the name of George Schneider, a

¹²It was that hunger which would result from a sea trip of several months and which would show itself with these people who during the long passage had only too often fought with death by starvation, with such a force that no ordinary servants' food would suffice to satisfy the cravings of the stomach and to replenish the exhausted strength. It must also be remembered that the redemptioners received no wages to enable them to procure additional victuals. This circumstance should have been considered by the legislature which, to judge by the laws in force at the time, tried to do its best to prevent any and all wrong. In this regard the negro was even better provided for than the white person. For, while the slave owner, according to the letter of the "Black Code," in addition to the ordinary food, had to give monthly a barrel of corn, rice or beans to each slave, although it was to the interest of the owner himself to maintain his life-long slave in good condition through nourishing food, the provisions for the redemptioner was simply "sufficient" meat, drink, apparel and lodging. (Law of May 21, 1806).

German about forty years old, speaking but little English and no French, absconded. He is four feet, three inches tall, has brown hair and light brown eyes, a dark complexion and is by profession a mason. The above reward besides reimbursement of all expenses will be paid to any one who will deliver said George Schneider to

H. A. Amelung,13 in St. Louis Street.

Nicholas Sinnott.

(On March 17, 1807) (Original) Twenty Dollars Reward.

Absconded on the night of the 10th inst., an indented man to the subscriber, called Adam Miller, a native of Germany, speaks very little English and no French, aged about 26 years, 5 feet, 10 inches high, sandy hair, red whiskers, blue eyes and large red face, a house carpenter by trade; had on, when he went off, a long blue surtout coat. The above reward and all reasonable expenses will be given to any person who will deliver the said Adam Miller to the subscriber in New Orleans.

(From the Louisiana Gazette, April 1818)
(Original)
Ten Dollars Reward

Ran away last evening from the subscriber, Two German Redemptioners, namely:

George Stroule, about 28 years of age, 5 feet, 7 inches high, dark complexion and slender make; had on a blue jacket and grey pantaloons with other clothes of the fashion of his country.

¹⁸Amelung was himself a German by birth and at that time (1807) II Lieutenant of a German militia company which bore the name of "Steuben Light Infantry" and formed a part of the "Battalion of Orleans Volunteers." It numbered 26 privates, 4 non-commissioned officers and was commanded by the following officers: Captain Vincent Nolte (born of German parents in Livorno, merchant, banker, representing the firm of "Baring Bros." in London, and author of the book "Fifty Years in Both Hemispheres," Hamburg, 1853, N. Y., 1854); I Lieutenant Johann A. Ludeling (merchant, No. 8 Toulouse Street). II Lieutenant Henry A. Amelung (merchant, No. 19 St. Louis Street). See petition of the above to Governor Claiborne to annul the U. S. martial law for company affairs. The "Annuaire Louisianais" for 1809, edited by B. Lafon, gives the following official list: J. A. Ludeling. captain; H. A. Amelung, I Lieut.: C. A. Amelung, II Lieut.

Marianne Mowry, wife of said Stroule, about 30 years of age, nearly as tall as her husband, a little pock marked and dressed in the manner of her country.

The above reward will be paid for securing these redemptioners in jail or bringing them to

Lewis Mageonie, On the Canal, suburb Marigny.

(From the Louisiana Gazette, April, 1818)
(Original)
Sixty Dollars Reward.

Absconded from the subscriber's employ on the 6th inst., Four German Redemptioners—they are all young men, well made, and of middle size, and were dressed in Russian sheeting pantaloons and shirts, red waist-coats and boots.

Ten Dollars reward and all reasonable charges will be paid for their apprehension, and also 20 Dollars for John Miller, a sailor who enticed them away. Miller speaks Dutch and broken English, has an impediment in his speech, wears a blue cloth jacket, yellow vest and duck pantaloons, has been in the army and is much addicted to drink.

Captains of vessels and others are cautioned against harboring the above named runaways.

H. W. Palfry.

(On April 6, 1820) (Original) Redemptioners Escaped!

A German Family, consisting of a father, whose name is Andreas Thomas, and of a mother and four children, have gone off without serving the time stipulated in their engagements. Notice is hereby given that those who may harbor any individual of the family aforesaid or give them employ, will be prosecuted according to law. A reward will be paid for placing said Thomas in the hands of the sheriff who has an order to arrest him.

(No signature)

(Translator's Note—Each of the above advertisements is followed by a German translation.)

THE "HOLLANDERS" IN NEW ORLEANS

The human traffic of the Newlanders reached its highest peak shortly after the German Wars of Liberation, when the taxes to cover the war damages increased more and more and the condition of the poorer classes thereby, and as a result of repeated crop failures, became worse and worse. Especially was this the case when the great famine of the year 1817 came and the price of a loaf of bread rose to ten "batzen" (a small German coin now no longer current. Transl.) and many poor people were compelled to eat boiled weeds to escape starvation. From Wurttemberg alone, in 1817, 16,000 persons sailed down the river on rafts, and in 1818 over 30,000 emigrants passed through Mainz (Mayence) on their way to Holland.

Among the former were those who became known in New Orleans by the name of "Hollanders" and whose children and children's children are living among us to-day and will doubtless read the following not without a feeling of melancholy and deepest indignation.

Our "Hollanders" came from Wurttemberg, Baden, Switzerland and Alsace and departed in the summer of 1817 for Amsterdam to embark from there to Philadelphia. How they fared in Holland, however, is described by Baron von Fürstenwärther¹⁴ who traveled at the same time, in July, 1817, by way of Amsterdam to America:

"I have found the misery of the greatest part of the emigrants greater, and the condition of all of them more perplexing and helpless than I could imagine. Already on my journey to this place on all roads I met hordes of people who, destitute of everything, begged their way. Indescribably large were the multitudes of these unfortunates in Holland. All cities were overrun by them. Many consumed their traveling money before the time. Others were cheated out of their possessions. There was lacking leadership, supervision, order, advice and assistance. But those who are unable to pay for their freight in whole or in part, are exposed to the usury and the unrebuked despotism of the ship brokers who are carrying on the most shameless human traffic with them. The unfortunates find no hearing anywhere, there is nobody to represent them."

¹⁴Cotta, Stuttgart, 1818, page 11, etc.

And from Philadelphia the same philanthropist wrote to Baron V. Gagern, Dutch Minister at the German Federal Council in Frankfurt on Main:

"Unjust, hard, inhuman is too often, one might say as a rule, the treatment of the people as soon as they board the vessels. A large part of them die on the way, the others arrive here in greatest misery and mostly with wrecked health."

"The ships which are equipped for the transportation of the immigrants are as a rule of the worst quality, old and delapidated, and the captains entrusted with their care, ignornant, inexperienced and brutal men."

Furthermore he speaks of the bad and insufficient provisions, of the fevers and other diseases, as well as the grief and despair which caused the death of many, and of the brutalities of the captains towards the female sex.

"I am not unfamiliar with the sight of human woe, I have seen it in many forms but in no more horrible than on these ships."

Under such circumstances, therefore, our New Orleans "Hollanders" too embarked in Helder, the deep water port of Amsterdam. Some of them told me that they had been put on an old condemned war vessel and that 1100 of them had been packed into it.

Now, as Fürstenwärther reports under the date of July 7, 1817, from Helder that he had visited there a former Russian man-of-war which a Hollander had bought for the purpose of filling it, for the account of Rudolfi, with German and Swiss emigrants and bring them to Philadelphia, and as our "Hollanders," as already remarked, were originally bound also for Philadelphia, it is very probable that this was the same vessel of which our old redemptioners spoke. As if in mockery, it was called "The New Sea Air" and Fürstenwärther reports that the 500 people approximately who at the time of his visit were already on board, had loudly complained because the departure was delayed until the ship was filled with still more people and even now, before sailing, the rations were reduced.

Finally the war vessel started with its 1100 passengers for Philadelphia, but after a few days a terrible storm arose which so damaged the old tub that with the loss of its masts and in a sinking condition it returned to Helder, where the contractor suddenly disappeared leaving the poor emigrants, many of whom had paid their passage in advance, to their fate—that of begging before strange doors.

Finally, at the instigation of the Dutch Government to whom these strangers began to be a burden, three small sailing vessels were equipped, the 1100 passengers distributed among them and the captains instructed to bring them to New Orleans and reimburse themselves there by selling them. And thus the journey began for the second time—for many a journey not into the new, but into the other world!

After a journey of five months the three ships which had left Helder on different days, met at the Northeast mouth of the Mississippi. They were¹⁵: The full-rigged ship "Emanuel" of 300 tons with 200 passengers.

The brig "Juffer Johanna" 370 tons, 250 passengers. The brigantine "Johanna Maria" 147 passengers.

All together 597 of the 1100 souls who had embarked at Helder. The other 503 were dead, having died, starved or driven by fever and insane thirst jumped overboard!!!

On March 6, 1818, the "Hollanders" landed near the present French Market in New Orleans, their arrival having been announced some days previously by the following advertisement in the local papers:

(Original)

"Mr. Krahnstover, supercargo of the ship Juffer Johanna, lately arrived from Amsterdam, begs leave to inform the inhabitants of Louisiana who may want servants of different ages and sexes, laborers, farmers, gardeners, mechanics, etc., that he has brought several Swiss and German passengers who wished to emigrate to the (this?) country, which may prove to be very serviceable in their respective capacities. For particulars apply on board or at the store of

Mr. T. W. Am Ende, 16 Toulouse St. (A German translation follows)

¹⁶Taken from the official maritime news.

¹⁶In the French advertisement of the same date, the agent signs himself "Amende." But as is seen from his testament still preserved, his name was "Friedr. Wilhelm Am Eude."

According to the unanimous statements of the survivors most of the victims had literally been starved and that not on account of lack of provisions, 17 but as a result of the greed and atrocity of the captains. 18

The rations having been reduced already before the departure from Helder, as Fürstenwärther testified, the provisions which many had brought with them were so stored that nobody could get access to them. This was done to compel the betterto-do passengers to spend their last money for the victuals offered for sale by the ship's crew. Even the drinking water, alive with long worms, had to be purchased with money. Trunks and boxes were broken open by the crew and those who had been able to pay their passage a second time, were forcibly deprived of their passage tickets before the arrival in New Orleans. To these atrocities fever and other diseases were added so that entire families died and especially many children landed as orphans in New Orleans. Thus died six persons of the family of Konrad Friedrich Feigel of Grunbach near Wablingen and only the mother and her little daughter Louise (later Mrs. Lehder and grandmother of the Messrs. Linde) escaped with their lives, and among the eleven hundred passengers there was only a single family which did not have to mourn a dead member. This was the family of the shoemaker Brühle¹⁹ from Sinzach near Baden-Baden, who mended the shoes of the sailors and therefore received from them regularly special provisions.

Hardly had the news of the terrible sufferings of the immigrants spread through the city, when an indescribable storm of indignation arose against the captains and sailors of the Dutch ships, so that for several days the wretches did not dare to set their foot on land.²⁰ But also the sympathy of the people found expression in works of mercy and brotherly love.

¹⁷According to a vote of thanks published in the New Orleans papers, the Juffer Johanna, several days before its arrival at the mouth of the Mississippi, provided the American ship "Ariadne" of Philadelphia which was in distress, with food and water.

¹⁸The names of the wretches were: "Emanuel," Captain Hayo Post; "Juffer Johanna," Captain B. B. Bleeker; "Johanna Maria," Captain Brown.

¹⁹A daughter of Brühle was Mrs. Karoline Thomas, who for 50 years lived at the corner of Annunciation and Josephine streets and was the widow of Mr. Thomas, proprietor of an omnibus line, who died 42 years ago and who came on the same ship to New Orleans. To her I am indebted for much information.

²⁰Even Northern papers reported the indignation of our local population. See "Niles' Register" of April 11, 1818, et al.

The Legislature also, in session at the time, took notice of these events and passed a law "For the protection of persons brought to Louisiana as redemptioners" which went into effect two weeks after the arrival of the vessels. This law made it the duty of the governor to appoint two or more discreet men familiar with the language of the redemptioners, as their tutors, and through them to gather information about the contracts entered into by the immigrants. Well founded complaints were to be fined by the liberation of all those on board and result in civil and criminal processes. Nobody was allowed to be "bound" without the consent of the tutors, families must not be separated and nobody could be held responsible for the passage money of deceased members of their families.

The last paragraph is as follows:

XIIIth Section

"As colored freedmen²² contrary to the true intent and purpose of a law passed on July 7, 1806,²³ have presumed to buy and hire the services of white people, it is made the duty of the State Attorney General to cause the release of all those who had been bought, hired or bound by contract in this manner. To this end it shall be his duty to give notice to all colored persons who had made such contracts, that such agreements are in conflict with the true intent and meaning of the law referred to, and to demand that they release all persons thus serving them. And if any of the said colored persons should refuse or fail to heed this demand, the Attorney General is to institute suit against them immediately, to have the contract suspended and to obtain a judgment, while the free colored persons shall have the right to prosecute their claims in legal manner."

Unfortunately this law had no retroactive force and the majority of the passengers had already been sold when it went into effect. And thus those who at the least had deserved lib-

²¹See Moreau-Lislet's Digest, Vol. II, 297 to 304.

^{22"}In Baltimore two German families were bought in 1817 by free negroes. This so incensed the Germans in Baltimore that instantaneously they redeemed them by purchase and combined to prevent such dishonoring abuses." Furstenwarther, 27.

²³The vagabonds law, according to which any person without visible means of support or begging without the permission of two justices of the peace, could be cold to any "freeholder" as a "redemptioner."

erty, shared the fate of so many who came hither during the first 30 years of this century—they served as redemptioners!

This served Brühle with his family on the plantation of one Alexander Jackson²⁴ and when he ran away, because the raftsmen from the Mississippi river and the strangers visiting the battle field too often emptied the larder and left nothing for the "greenhorns," he was again seized and sold to a German shoemaker by the name of Rapp who kept the fellow craftsman as his apprentice and treated him so well that later when his master through misfortune and the fracture of a leg, lost all his possessions, the redemptioner took care of him and nursed him till his death.

Thus served Joh. Geo. Mutschler in the house of Delpi on Chartres street.

Thus served the widow Feigel and her daughter²⁵ in the house of Capt. Fisk in St. Louis Street, Mrs. Schützheimer on the Hopkins plantation, the later Mrs. Flickner with Maunsell White, the locksmith, George Müller, with his two boys in Bayou Sara, and Barbara Ruh, later Mrs. Hemm whose first husband built the first house on Delord Street²⁶ with a family by the name of Nagel.

Thus served the brothers Wagner (from Württemberg) who later on established a great dry goods house on Chartres Street and became fellow-founders of the Clio Street Church.

Thus served Blaise, Braun, Dürmeyer, Lambert and Barbara Hölzel of Carrollton.

Thus served Christian Roselius²⁷ from Thedinghausen near Bremen who at the age of twelve landed on July 11, 1820, with 103 fellow travelers and sufferers on the Hanover brigantine

²⁴Not General Jackson as many formerly erroneously assumed. The general never owned a plantation in Louisiana.

²⁵She was released after serving ten months by the payment of 75 dollars.

²⁶It stood between the house of Mr. Fritz Jahncke and Carondelet street.

²⁷Roselius subsequently studied jurisprudence, edited "The Halcyon," taught in a girls' school, became a member of the Legislature and Attorney General of the State. He sat in the Conventions of 1845 and 1852, voted in the Secession Convention against secession and twice refused the appointment as Chief Justice (by Gen. Shepley and Gov. Wells). He was one of the most noted lawyers Louisinaa has ever possessed and for many years professor of civil law in the "University of Louisiana," now "Tulane University of Louisiana."

Jupiter, Capt. Visser, from Bremen and was sold to the printer of the "Louisiana Advertiser" seeking an apprentice.28

Thus served 20 redemptioners who arrived on the same day as Roselius on board of the Dutch ship "Maria" from Amsterdam, and 32 who arrived on our levee on February 7 of the same year on the Bremen brig "Wilhelmine," Capt. Burmeister.

Thus served 104 who arrived on Jan. 13, 1820, on board of the brig "Johanna Catherina," Capt. Fortmann, from Amsterdam, after they had been attacked at Cape San Antonio by a pirate vessel carrying a skull in its flag, with the fire of 40 shots, several passengers and sailors being wounded.

Thus served Kaspar Auch,²⁹ the benefactor of the Presbyterian poor (1824) and thus served nearly all those who came to Louisiana at that time.

²⁸Christian Roselius died September 5, 1873. He is well remembered as one of the greatest lawyers Louisiana has known. His fame is all the more remarkable when it is known under what difficulties he prepared himself for his profession. frequently been stated that Roselius was a redemptioner, as those were called who upon landing were sold to the highest bidder to work off the passage money, but this is denied by a writer in the City Directory of 1853, which also contains a fine steel engraving of him. As this article was written during Roselius' lifetime, it is very strong evidence. It is certain, however, that Roselius landed in New Orleans practically without means, at the age of 17. He became first an apprentice to the printer's art, which occupation helped him to acquire a knowledge of good English. In 1825 Roselius commenced the first literary paper ever published in New Orleans, under the title of The Halcyon. This venture did not prove a success, as the publication was suspended after eighteen months. In the meantime, Roselius had taken up the study of law, and in 1827, after a brilliant examination, he was admitted to the bar. Owing to his extensive knowledge of law he soon acquired a great reputation. In 1841 he was appointed attorney general. He was a member of the Constitutional Conventions of 1845 and 1852. He is described as a vigorous speaker. His English was so pure and correct that the most acute ear could not discover that it was not his mother tongue. He also spoke French fluently, as well as German, and had good knowledge of Latin and Spanish. As a man he was one of the kindest and most generous of his kind, so that in spite of his large income he left no large wealth. The writer above mentioned closes his sketch of Roselius with this beautiful sentence: "The pleasure of aiding those we love, of mitigating the poverty and relieving the distress of the unfortunate is worth all the pride of victory, all the power and luxury of wealth." TRANSLATOR.

²⁹He became one of the rich men of New Orleans. He occupied, among other positions, the office of President of the Lafayette Fire Insurance Company of New Orleans, still existing in that city. He was one of the founders of the Company.

Ed. L. H. Qr.

ADDENDA

By Louis Voss, D. D.

Some additional information about the system of redemption as it prevailed in Philadelphia and Baltimore is found in an old volume, purchased by Prof. J. H. Deiler on November 23, 1886, and now in the archives of the German House in New Orleans. Note the spelling in the quaint title:

"Land and Sea Journeys of a Citizen of the Canton of St. Gall to North America and West India, via Amsterdam to Baltimore, Pitzburg, Gallipoli, Sensanettá (Cincinnati), New Vevay, the region of Wabash on the Ohio, Natchet, Battonrouge and New Orleans on the Mississippi, etc., and back to Amsterdam, in the years 1816, 1817 and 1818. Containing good and evil experiences, various customs of American peoples, especially of negroes and savages, etc.

"St. Gall (Switzerland), printed by Zollikofer and Zueblin, 1819."

The writer, Joh. Ulrich Buechler, describes the sea voyage of the ship *Hope*, which sailed from Amsterdam on the 20th of the "harvestmoon" (September), with 250 emigrants. The vessel sprang a leak on the high seas and 80 able bodied passengers with 12 seamen had to pump and bail the water day and night, with a two hours' shift, for three weeks. They managed to keep the ship afloat and landed in Baltimore on November 20.

"When we arrived," he says, "the owner of the ship came and had meat and bread distributed among us, to our great joy, as we had had no fresh food in ten weeks.

"Nobody was allowed to leave the vessel who had not paid his fare. Those who had paid, went to the city at once to refresh themselves and seek a lodging. On the same day many ladies and gentlemen came to inspect the new arrivals and to confer with the ship owner who had with him an exact list of all families and persons who had not paid and also of those who had paid in Amsterdam. I noticed that these ladies and gentlemen had in view especially small children and young people and I believe if there had been thousands of boys and girls on this ship, they would all have found desirable places. . .

"At first boys and daughters from 9 to 20 years were selected, also small children. As soon as they had agreed about the price, the purchasers departed with the young people they had bought. Then came a selection from the rest—farmers, arti-

sans, etc.—so that I thought the ship would be empty in two days.

"On the following day, a Sunday and a beautiful day, ladies and gentlemen as well as farmers and many other persons came to visit the parents and the remaining immigrants and brought bread, apples, tidbits and other things for the little children. Some of the girls who had left the ship only the day before, on Saturday, came back dressed in French clothing so that I would not have recognized them, had they not made themselves known. But no business was transacted on Sunday. On Monday they resumed their trading. Farmers and gardeners were especially in demand, 73 persons finding situations.

"Now let me explain how these people were traded off for their debt. Mechanics had to serve from one and a half to two and two and a half years, according to their abilities; peasant families three to three and a half years; girls of 16 to 20 years of age, up to four years; children from 2 to 12 and 15 years of age must remain till their 20th year or more, some of them even for life. During this time they forget their mother tongue as well as their parents, for in such houses nothing but English is spoken. Children from 2 to 15 years of age have been separated from their parents. Some parties have paid off their whole debt for the trip in this way, by surrendering their children. Separated from their parents, these children often never find each other again, and even if they meet their parents again, they cannot speak to them because, as I said, English is the prevailing language. Children can learn this, but old people cannot. The latter go where they meet Germans and thus the way to meet their children again is cut off, and even if they do meet them, they do not recognize them. In many cases, however, it happens that such children are well provided for, much better than if they had remained with their own parents. Really, in this way many have become very wealthy people and have made their fortune. In brief, whoever cannot pay for his passage, is at the mercy of every captain or ship owner, to be traded off as he pleases. A proof how foolish and reckless it is to emigrate on a mere chance and that only united families of equal customs and the same language and with property can succeed in America."

In a later chapter, the author relates his experiences in New York on his return trip. He says:

"Again and again reports came from Philadelphia, that many immigrants have arrived there in great numbers this summer, Germans as well as Swiss. . . The poor families, among them many Swiss from the Canton of Aargau, who arrived there this summer and could not pay for their seatrip, were all sent to Pitzburg, 100 hours (1 hour = 3 miles) and there sold for five and six years for \$150 per family, which meant a good profit to the sellers, as most of them owed only \$50. They all came to the uninhabited regions in India (the territory of the Indians). .

"To this port (New York) the ship captains accept nobody who is not able to pay for his passage, as this is prohibited by law. No such traffic in souls prevails here. If the captains did it, they would find no protection with the city government, but would be compelled to let their passengers go free or seize their effects. And thus it is in all other seaports. Only Philadelphia and Baltimore allow this custom and practice to take such people for the sake of gain, which I deem it necessary to state for everybody's benefit."

SALLY MUELLER, THE GERMAN SLAVE

By Louis Voss, D. D.

INTRODUCTORY NOTE

This story was told simultaneously by two noted authors, J. Hanno Deiler and George W. Cable, in 1889.

Deiler published the first of a number of German pamphlets on the history of the Germans on the lower Mississippi on December 31, 1888, which contains the story of Sally Müller. A second edition of this pamphlet was published March 13, 1901. In it the author was able to add much valuable information bearing on the case, based on a translation in the New Orleans German Courier of July 16 and 19, 1845, of a pamphlet written by Frank Upton, one of the attorneys of Sally Müller. This translation, says Deiler, in the absence of the original English copy and of the written arguments submitted to the Supreme Court, is the only reliable source of information concerning the evidence presented by the plaintiff. In the second edition of his pamphlet Deiler refers to an article by George W. Cable on "Salome Müller, the White Slave," which appeared in The Century Magazine, May 1889, from which he quotes a translation of the writ of sequestration of the deputy sheriff, B. F. Lewis in the case of Sally Müller vs. Louis Belmonti.

Cable's version of the story was also printed in a volume published by him entitled, "Strange True Stories of Louisiana."

This book was copyrighted in 1888 and 1889. In it Cable tells how

he got the story as follows:

"In the spring of 1883, being one night the guest of my friend, Dr. Francis Bacon, in New Haven, Connecticut, and the conversation turning upon wonderful and true happenings, he said: 'You are from New Orleans; did you never hear of Salome Müller?'"

"No."

"Thereupon he told the story and a few weeks later sent me by mail (to my home in New Orleans, whither I had returned) a transcription which he had most generously made, of a brief summary of the case—it would be right to say tragedy instead of case—as printed in "The Law Reporter," some forty years ago. I mentioned it to a number of lawyers of New Orleans, one after another. None remembered ever having heard of it. I appealed to a former chief-justice of the State who had a lively personal remembrance of every member of the bench and the bar concerned in the case, but of the case he had no recollection. Yet when he took down from his shelves the right volume of Supreme Court decisions, there was the terse, cold record; No. 5623."

Looking through old newspaper files, Cable found under the dates of 1818 and 1844 passing allusions to the strange facts in the case. He learned that the books of court record bearing on the case had been lost, having unaccountably disappeared. But a search in the dusty garret of the old Spanish Cabildo facing Jackson Square resulted in

the finding of some of the desired documents.

Evidently the two authors wrote quite independently, one of the other. They differ in minor matters, as in the spelling of proper names, like Schuber and Schubert, Grandsteiner and Krahnstover, but agree on all the main facts. The books of both authors are now out of print and hard to obtain. Therefore this twice-told tale is here reproduced in condensed form, based on both of the above narratives, for the benefit of the present generation.

SALLY MUELLER, THE GERMAN SLAVE

In the early part of the nineteenth century, many so-called Redemptioners landed in New Orleans. They were emigrants who, lacking the means of paying for their transportation, upon embarking in Europe, agreed to work off their passage. When they landed in America they were detained on board the vessels until some one paid for their passage and in return received a contract signed by the immigrant, in which the latter agreed to serve his new master from three to eight years, according to the amount paid for him. During this time the Redemptioner received lodging, food and clothing, but no wages. Such a contract was legally

binding and equivalent to a sale. The "Civil Code" of 1808 stipulated that "a master may correct his indented servant or apprentice for negligence or other misbehavior, provided he does it with moderation," to which in 1825 the words were added, "and provided he does not make use of the whip."

But even without the whip they suffered untold humiliation, especially when the negro slaves openly betrayed their malicious joy in seeing members of the hated white race share their yoke of bondage.

Germany furnished her share of such Redemptioners. Shortly after the German wars of liberation, when the great famine of 1817 prevailed, thousands of Germans facing starvation were easily persuaded to emigrate to America. Dutch shipowners sent their agents up the Rhine to secure "freight" for America. Promising wealth to the poor and liberty to the oppressed, these agents went from village to village, enticing numberless victims to sail down the Rhine.

THE MULLERS EMIGRATE

In Langensulzbach, a village in Alsace, a number of families, related to one another by marriage, agreed to emigrate together. Among them were two brothers, Henry and Daniel Müller. One was a locksmith and the other a shoemaker. Hence they were known in the village as Schlosser Müller and Schuster Müller. Henry, the locksmith, and his wife, had two sons. Daniel, the shoemaker, and his wife Dorothea, had four children, the eldest, a boy of eight years, the youngest an infant, and between these two little girls, Dorothea and Salome. Other families were the Kropps, the Koelhoffers and Frau Schützheimer, one Wagner and Franz Schuber, who two years later became the husband of young Eva Kropp. Eva was a cousin and godmother to Salome Müller, and Frau Schützheimer was a close friend and had been a school mate and neighbor of Salome's mother.

It was early in August when they reached Amsterdam. They paid their passage in advance and were carried out to Helder, the port of Amsterdam before the great ship-canal was built which now lets the largest vessels out of Amsterdam. There lay a big, foul old Russian ship which a certain man had bought purposing to crowd it full of emigrants to America. Our Alsatians boarded this ship and were ready to sail. But the ship was not ready.

They were told more passengers were needed. Soon came far worse tidings. The person who had sold the ship, had not been paid the price and had seized the vessel. This involved a law-suit and more delay. Finally it was learned that the man to whom the passage money had been paid had absconded. This left the poor emigrants in a desperate condition—that of beggars, without food, money or even shelter.

At last the Government, to whom these immigrants became a burden, offered a reward of thirty thousand gilders—about \$12,000—to any merchant or captain of a vessel who would take them to America. A certain Krahnstover (Cable gives his name as Grandsteiner) accepted the task. Although he had been paid by the Government, he exacted a Redemptioner's contract from all passengers unable to pay for their passage.

So our Alsatians embarked again. This time there were three small vessels to receive the hundreds of immigrants. The Juffer Johanna (Cable refers to her as simply Johanna) with Krahnstover as supercargo, bore the Müllers and most of their relatives. Franz Schuber was among them and was chosen steward for the whole shipful. Their sufferings on the sea were terrible. The vessel was foul. Fevers broke out among them. Provisions were scarce. There was no food suitable for the sick nor any medicine. Water became so scarce that the sick died for want of it. Hundreds fell victims to disease. Many, driven to desperation by fever or intolerable thirst, jumped overboard.

By a strange coincidence the three vessels which had sailed from Helder weeks apart, all met at the mouth of the Mississippi River. "The ships were so close we could speak to each other from on board our respective ships. We asked who lived and who had died," testified some of the passengers years afterward.

The loss by death had been enormous. Of the 1,100 souls who had boarded the three vessels at Helder, 503 had perished, according to Deiler's figures. Cable says that of the *Johanna's* 700 souls only 430 were left alive. Henry Müller's wife was dead. Daniel Müller's wife, Dorothea, had been sick almost from the start; she was gone with the babe at her bosom.

SOLD INTO BONDAGE

When the vessels reached port, the passengers prepared to step ashore, when to their amazement they were told by Krahnstover they were redemptioners. Their arrival was announced in the following advertisement in the local papers:

"Mr. Krahnstover, supercargo of the ship Juffer Johanna, lately arrived from Amsterdam, begs leave to inform the inhabitants of Louisiana who may want servants of different ages and sexes, laborers, farmers, gardeners, mechanics, etc., that he has brought several Swiss and German passengers who wished to immigrate to this country and who may prove to be very serviceable in their respective capacities. For particulars apply on board or at the store of Mr. F. W. Am Ende, Toulouse Street."

Hardly had the news of the terrible suffering of the immigrants spread through the city, when a storm of indignation against the captains and crews of the ships broke out, so that for several days they did not dare to show themselves in the city. But the sympathy of the people also showed itself in works of mercy towards the unfortunate sufferers and the Legislature passed a law for the protection of the Redemptioners.

It seems that in fact a large number of those on board the Johanna were really liable to serve as redemptioners, but it is equally certain that for others—the Müllers and the Kropps among them—the passage money had been paid not once, but twice; first by themselves and then by the Government of Holland. Yet Daniel Müller and his three children were among those held for their passage money.

Some influential German residents heard of their troubles and brought suit against Krahnstover, but on some account scarce a week had passed before they were being sold as redemptioners.

Then the dispersion began. They were scattered, going here and there, so that one scarcely knew where the others went. Some remained in New Orleans. Others were taken out to plantations near the city or far away. Some were taken to Baton Rouge, Bayou Sara and even into Mississippi and Alabama.

Daniel Müller with his three children, a boy of eight years and the two little girls, Dorothea and Salome, aged about six and four years respectively, were to go to Attakapas, a fertile district in South Louisiana, embracing several parishes, according to ancient maps. The name has no longer any geographical significance. The name of the person to whom they were sold, was not known to their kindred and being redemptioners themselves

they had to struggle for their own existence. No clear tidings came from the exiles. Once the news was brought to the city of the death of the father from fever and the drowning of the brother, but where Salome and Dorothea were, none could say, except that they were in Attakapas.

Little Salome is described as a pretty child, dark as both her parents were, and looking much like her mother, having especially her black hair and eyes and her chin. Eva Kropp, afterwards Mrs. Schuber, begged to be allowed to keep Salome. She was her god-mother. After the mother's death she had taken constant maternal care of the pretty, black-eyed, olive-skinned god-child. But Müller would not leave her behind.

As the years passed the relatives of the little girls made diligent inquiries about them, especially the Kropps. Also their uncle, Henry Müller, who lived in Woodville, Mississippi, with his two sons, and had become prosperous in a small way, followed up several clues of the missing children. When he heard they were in Natchez, he drove there with horse and wagon to find them. Though his horse was drowned in an overflowed swamp, he nevertheless reached Natchez, but only to find the trail totally disappear. Later he met a man driving cattle from Attakapas to Bayou Sara, who told him of two little girls named Miller (the Müllers were commonly called Miller) living in Attakapas. He was planning another journey in search of them, when he fell ill and died without telling his sons where to look for their lost cousins.

The children and children's children of those who worked off their passage by hard labor, are still living among us. Thus served Christian Roselius who afterwards studied law and became a member of the Legislature and Attorney General of the State. Thus served Kaspar Auch, one of the founders and elders of the First Street Presbyterian Church, who bequeathed his entire fortune of \$120,000 to the Presbyterian Churches of New Orleans to the end that the poor of these churches might be provided for. Thus served the majority of those who came to Louisiana at that time.

How finally, after many years, Salome Müller, who after her father's death had been sold as a mulatto girl, held in slavery and married to a negro husband, was recognized in New Orleans and after a lawsuit dragging through two years obtained her liberty, is told in thrilling fashion both by Deiler and Cable, differing in minor details but agreeing on all the main points established by the records available.

FINDING THE LOST

Twenty-four years had passed. It was now 1842. The number of Germans living in New Orleans and Lafayette, then one of the suburbs of the city, had greatly increased by new arrivals of other immigrants, many of whom were redemptioners. Franz and Eva Schuber had moved to a house on the corner of Jackson and Annunciation Streets, which long since has burnt down. They had grown to wealth and standing among the Americans of German descent. The little girl cousin of Salome Müller who had been her playmate on the ship, was a woman of thirty, the wife of Karl Rouff, commonly known as Madame Karl. They all became madams in Creole America.

One day Madame Karl went down to the "Third Municipality," the lower section of New Orleans, on some errand. Passing the cabaret of Louis Belmonti, she noticed through the open door a woman of about her own age engaged in some housework, who at that moment looked up from her work towards the open door. It was but a single glance, but it rivetted Madame Karl to the spot. It was as if her aunt Dorothea, who had died on the ship twenty-five years before, stood face to face with her, alive and well. There were her black hair and eyes, her olive skin and the old familiar expression of the face. As soon as she recovered from her astonishment and breathless suspense, she hastened into the room, threw her arms about the person with the exclamation:

"You are Sally Müller, my cousin!"

The stranger did not know what to make of it. Gently warding off the embrace, she said:

"You must be mistaken. My name is Mary Bridget. I am a yellow girl and belong to Mr. Belmonti who keeps this coffee house. He bought me from Mr. John Fitz Miller of Attakapas. I have no relatives except my husband and children."

But Madame Karl was so sure that nothing could shake her conviction.

"You are not rightly a slave. Your name is Müller. You are of pure German blood. I knew your mother. I know you. We came to this country together on the same ship twenty-five years ago."

To prove her statements she invited the slave to come with her to some friends. She would introduce her to the Schubers, Franz the steward on the ship which brought them over, and his wife, Eva, Sally Müller's god-mother.

Mary Bridget enjoyed some liberties in her place and was able to accept the invitation. They proceeded at once to Lafayette. As they reached the threshold and the two old-time friends exchanged greetings, Eva said:

"Why, it is two years since I saw you." Then turning to the stranger: "But who is this? Is she a German woman? It seems I know her!"

"Well," said Madame Karl, "if you know her, who is she?"
"My God!" cried Eva—"one of the long-lost Müller children, my cousin Sally."

"I needed nothing more to convince me," Eva afterwards testified in court. "I could recognize her among a hundred thousand persons."

Her husband Franz, coming out of the house a few minutes later, having heard nothing, glanced at the stranger and turning to his wife asked:

"Is not that one of the girls who were lost?"

"It is," replied Eva, "it is Salome Müller."

Now there could be no more doubt. The slave, Mary Bridget, was the long-missing Salome Müller. Soon the news spread like wildfire from house to house and as all Lafayette knew of the missing children, people came from all directions to see the lost that was found. Madame Schützheimer and Madame Fleikner came and when they saw the stranger instantly recognized her, "because of her resemblance to her mother."

They were all overjoyed. For twenty-five years in the mire of negro slavery, the mother of quadroon children and ignorant of her own identity, they nevertheless welcomed her back to their embrace.

"But will Belmonti believe it? Will he release her?" That was the next question.

"Surely he will!" exclaimed Madame Schützheimer. She, the midwife, and Eva Schuber, who had daily bathed and dressed the little Salome after the death of her mother on the sea, knew of a proof far more conclusive than mere facial resemblance. They knew, and all Henry Müller's family had known, that Salome had certain birthmarks which would render her identification easy and it had been a common saying that it might be difficult to identify Dorothea were she found, but if ever Salome were found, they could prove she was Salome beyond the shadow of a doubt, by the birthmarks on her loins.

"Come with me into this other room," said Eva to the woman. They went in, leaving the others behind. And there they were—those birthmarks, two hair moles about the size of a coffee bean, one on the inside of each thigh about midway up from the knee. The identification was complete. And when the two women returned the slave was convinced with them all, that she was the younger daughter of Daniel and Dorothea Müller.

THE FIGHT FOR FREEDOM

The next step was to claim her release. Madame Schuber sought an interview with Belmonti to acquaint him with the facts in the case, submit the proofs and demand the slave's instant release.

Belmonti refused to let her go. He confessed however that when he bought her from John Fitz Miller, the latter told him, "I do not sell her to you as a slave. She is as white as you or I, and neither of us can hold her if she chooses to go away." Yet he was not willing to release her. When the slave went to live with the Schubers and with their advice and aid decided to gain freedom by an appeal to the law, Belmonti replied with threats of imprisonment, the chain-gang and the auctioneer's block.

When she did enter suit against Belmonti, she was placed on her own petition in the famous calaboose, not as a criminal, but for her protection. In her petition she says that she had good reason to believe that Belmonti intended to remove her out of the jurisdiction of the court during the pendency of the suit. But after a week she was released from custody when Franz Schuber gave bond in the sum of \$1,000 for her.

The trial of the case "Miller vs. Belmonti," dragged through the months of February, April, May and June, 1844. It had already become famous and created much excitement throughout the city. The German people were especially aroused and incensed. The public sympathy was with Salome.

Both sides were represented by eminent legal counselors, the gifted Roselius as leader on the slave's side and John R. Grymes that on the other side.

At Belmonti's petition John Fitz Miller was made the responsible party in Belmonti's stead. It seems that John Fitz Miller was a citizen in high standing in New Orleans, a man of property and enterprise, and showing great indulgence to his slaves. He claimed to have received Mary Bridget in 1822 from a negro-trader, Anthony Williams, to hold the girl for a future sale, while Williams returned to Mobile, Mr. Miller handing him one hundred dollars on account of a prospective sale. When Williams had not been heard from for a year, Miller "sold" the girl to his own mother. She remained in this position as a domestic servant until 1838, when she was sold to Belmonti. The Miller family had had the use of this servant, now the mother of three children, for sixteen years and had never paid but one hundred dollars for her. At the end of that time Miller had sold the slave-mother alone, away from her two half-grown sons (her little daughter having died) for ten times what he had paid for her, to be the bond-woman of the wifeless keeper of a dramshop. And the presumption is that Miller knew all along that the girl was not of mixed blood.

We need not to rehearse the testimony of those who had known Salome's mother and recognized the strong family resemblance to the Müllers, nor the crowning evidence of the birthmarks duly attested by two notable physicians, Dr. Armand Mercier and Dr. Warren Stone, who certified over their signatures that:

- 1. These marks ought to be considered as noevi materni.
- 2. They are congenital or, in other words, the person was born with them.
- 3. There is no process by means of which artificial spots bearing all the character of the marks can be produced.

What must have been the surprise and disappointment and dejection of Salome, the Schubers and their neighbors and kin when, after all this overwhelming evidence, at the end of June, the judge of the court, A. M. Buchanan, rendered a judgment unfavorable to the plaintiff!

After reciting the history of the case, the judge read the following decision of the court:

"The supposed identity is based upon two circumstances: first, a striking resemblance of plaintiff to the child above mentioned and to the family of that child. Second, two certain marks or moles on the inside of the thigh, (one on each thigh), which marks are similar in the child and in the woman. This resemblance and these marks are proved by several witnesses. Are they sufficient to justify me in declaring the plaintiff to be identical with the German child in question? I answer this question in the negative."

The judge endeavored to explain this rather remarkable decision when he went on to read that he must admit "that the relatives of the said family of redemptioners seem to be very firmly convinced of the identity which the plaintiff claims," but that "it is quite out of the question to take away a man's property upon grounds of this sort."

He then closes his opinion with this advice:

"I would suggest that the friends of the plaintiff, if honestly convinced of the justice of her pretentions, should make some effort to settle a l'aimable with the defendant who has honestly and fairly paid his money for her. They would doubtless find him well disposed to part on reasonable terms with a slave from whom he can scarcely expect any service after what has passed.

Judgment dismissing the suit with costs."

THE VICTORY

The plaintiff did not take the judge's advice, but resolved to ask for a new trial and if that were refused to appeal the case to the Supreme Court of the State.

So it happened. Within two days, the plaintiff, through one of her counsel applied for a new trial. It was refused. Roselius took an appeal. The judge "allowed" it, fixing the amount of Salome's bond at \$2000. Franz Schuber gave the bond and the case went up to the Supreme Court.

Another year passed before the case came up before this final tribunal from whose decision there would be no appeal. It was now May 1845. Two full years had passed since Madame

Karl had found Salome in Belmonti's cabaret. She had died before the case was tried in the lower District Court.

The same attorneys argued the case before the Supreme Court—Roselius and the two Upton brothers, F. H. and W. S., for Sally Müller. Grymes and Micou for the warrantor Miller. It was a battle between giants. For ten days the argument continued. For almost another month the five judges of the Supreme Court held Sally Müller's fate in their hands.

At last, on June 21, the Court rendered its decision. It was read by Chief-Justice Martin. Briefly reviewing the record of the case and the decision of the lower court, he continued:

"The first inquiry that engages our attention is, what is the color of the plaintiff?" The court's answer to this question is entirely in favor of Sally: "The burden of proof is upon him who claims the colored person as a slave—not only is there no evidence of her (the plaintiff) being descended from a slave—mother, or even a mother of the African race, but no witness has ventured a positive opinion that she is of that race. The presumption is clearly in favor of the plaintiff." Glad words for Salome! But the suspense returns, as the judge reads on.

"It is next proper to inquire how far that presumption has been weakened or justified or repelled by the testimony of numerous witnesses in the record." And he compares the testimony for and against the presumption. He reads on:

"But the proof does not stop at mere family resemblance." He is coming to the matter of the birth marks. He calls them "evidence which is not impeached."

In the course of his reading he exonerates John Fitz Miller, but accuses the absent Williams of imposture and fraud. Then he comes to the last page:

"It has been said that the German witnesses are imaginative and enthusiastic and their confidence ought to be distrusted. That kind of enthusiasm is at least of a quiet sort, evidently the result of profound conviction and certainly free from any taint of worldly interest, and is by no means incompatible with the most perfect conscientiousness. If they are mistaken as to the identity of the plaintiff; if there be in truth two persons about the same age, bearing a strong resemblance to the family of Miller (Müller) and having the same identical marks from their birth, and

the plaintiff is not the real lost child who arrived here with hundreds of others in 1818, it is certainly one of the most extraordinary things in history. If she be not, then nobody has told who she is.

"After the most mature consideration of the case we are of the opinion the plaintiff is free, and it is our duty to declare her so.

"It is therefore ordered, adjudged and decreed, that the judgment of the District Court be reversed, and ours is that the plaintiff be released from the bonds of slavery, that the defendant pay the costs of the appeal, and that the case be remanded for further proceedings as between the defendant and his warrantor."

(Deiler translated the decision from Robinson XI, 339, Cable copied from Supreme Court Decisions No. 5623.)

Thus justice was vindicated. A woman's right to liberty was upheld, and the questionable rights of a man's "property" were denied. The last words of the Supreme Court's decision left it to Belmonti and Fitz Miller to fight out between themselves their respective claims in another law suit. But that suit was lightly and early dismissed.

Salome being free, her sons were by law free also, though only as free mulattoes. They had long since been separated from her and are said to have gone to Tennessee and Kentucky, as stable boys to famous horses, and disappeared.

There was great rejoicing in the city especially among the Germans, over the victory of the white slave. A great reception was arranged in her honor by her relatives to celebrate her release and to welcome her back to the ranks of society, assuring her that the social ban which had rested upon her as a slave, was now lifted, that the disgrace of her former condition was removed and that no reproach for her past life rested on her. Christian Roselius, himself a redemptioner, took her by the hand and introduced her to the two hundred German ladies who had appeared to welcome her back into their ranks, commending her to their sympathy and generosity and asking them to communicate to her of their abundance and to remember no more her previous estate. "Her liberation," he said, "is not all. A new leaf has been turned in the life-book of the freed woman. That leaf is

white. See to it that it remains white and unsullied, so that the sorely tried woman who has been lifted up, will sink no more."

That is the story of Sally Müller, the German Slave.

According to Cable, corroborated by Deiler, she went to California with a white husband, Frederick King. Her cousin, Henry Schuber, told Cable that he saw her in Sacramento City in 1855 living at last a respectable and comfortable life.

The Schubers moved to Panama. Christian Roselius died Sept. 5, 1873.



IN MEMORIAM

DR. MAX HELLER Rabbi Emeritus Temple Sinai 1860-1929

A Tribute From The Louisiana Historical Society

On the 1st day of January, 1860, was born to the Heller family, of Prague, Bohemia, a son, to whom the name of Maximillian was later given. The child's parents were Seligman Heller and Mathilde Kassowitz, his wife.

Early progress with his foundation or primary education enabled the boy to attend, while still quite young, the Neustadter Gymnasium of Prague, one of that high grade of schools giving a thorough training in the older languages. This opportunity was not lost upon young Heller; for with a decided inclination in that direction, and with an ambition that permitted no obstacle to thwart him, he acquired a mastery not only of Hebrew, but of several other of the living and dead languages. This taste on his part, and his never-ceasing application to study, brought him in later years to the forefront as a linguist of highest standing.

As his youth passed in this scholastic training, and with the approach of early manhood, he came to this country, locating in Cincinnati. Here he at once entered the Hebrew Union College, studing science and art at the University of that city. He was given the degrees of Bachelor of Letters and of Master of Letters by the University, while from the Hebrew Union College he received the distinction of Rabbi. It was a singular coincidence that in 1884 Rabbi Gutheim, whom young Heller was destined three years later to succeed as the head of Temple Sinai, New Orleans, should have delivered the Baccalaureate Sermon to the second class of Hebrew Union College graduates, of whom young Heller was one.

On leaving college, Rabbi Heller was designated as Minister of Zion Congregation of Chicago, beginning his pulpit career there in 1884 and continuing in charge for two years. He then removed in 1886 to Houston, Texas, but his ministry there was only of five months duration.

In the meanwhile Temple Sinai of New Orleans, under the leadership of Rabbi Gutheim, had joined the ranks of reformed Judaism. The congregation had progressed and prospered under the guidance of Rabbi Gutheim; but in 1886 death called this great, this good man to his reward. For six months the pulpit was filled by lay readers. Then young Rabbi Heller of Houston was invited to address the congregation of Temple Sinai. On February 10, 1887, the Board recommended his election, which was consummated February 13, 1887. It was a courageous step for one so young, both in years and in the ministry, to assume charge of a congregation that for years had had as its head so great a man as Rabbi Gutheim; but young Heller took over the office, and quickly made himself a worthy successor to so distinguished a leader.

His life from then on was a busy one. He edited the "Jewish Ledger" in 1896 and 1897; he was the leading editorial writer on the "American Israelite" from 1902 to 1914; he contributed the column of "Jewish Current Events" to the "Bnai Brith News" since 1922.

Recognizing what a great acquisition he would be to the institution, he was appointed in 1912 Professor of Hebrew and Hebrew Literature at Tulane University.

After an active service of forty years at Temple Sinai, he retired in 1927, the congregation bestowing upon him the title of Rabbi Emeritus. He fostered and encouraged the building of the new temple, which fortunately he lived to see completed and dedicated to worship.

The restoration of Palestine, which for nearly a century has been the dream of Jewish philanthropists, appealed to Rabbi Heller and obtained his hearty cooperation. Only last year he made an extended tour of the Palestine country, gathering many helpful facts of much import, and of which he wrote in a series of articles in the "Daily States."

He was deservedly an honored member of the Louisiana Historical Society, for in the earlier years he graced its meetings on various occasions with his eloquence and with his deep knowledge; failing health at a later period barred him from active participation in its affairs, though he still maintained a lively interest in its welfare.

Two years after his coming to New Orleans he married in 1889 Miss Ida Annie Marks. On the occasion of the celebration of their Silver Wedding anniversary one gift gave unusual pleasure, signifying, as it did, the healing of a breach through the magnetism of the man and his works. This was the gift of a silver basket filled with white flowers from Beth Israel Congregation, for it marked probably the first time that an orthodox congregation had given such official recognition to the family festival of a Reform Rabbi.

On Saturday morning, March 30, 1929, Rabbi Heller passed from among us. To the stricken widow, their two sons and one daughter, the Louisiana Historical Society extends deep and sincere sympathy.

By his gentle character, by his kindly ministrations, by his soft and captivating speech, by his great learning, Rabbi Heller furnished one more noted figure to add lustre to the Jewish race; a people who have given to the world through the centuries since the recording of history so many outstanding characters to do them honor.

He was beloved by those of his own faith, revered and honored by all.

As has been so graciously expressed, the mighty billows of the sea roll on and in to the sandy shores, there only to break into spray and to be returned again to the ocean whence they came; so will the spirit of Rabbi Heller, who but so recently has passed into the Great Beyond, leave behind with the world all the might and the power of a life well spent to help and to bless future generations.

> JAS. A. RENSHAW, Chairman, LYNN H. DINKINS, FRANK H. WADDILL, Committee on Resolutions.



EDITOR'S CHAIR

By Henry P. Dart

THE SPLENDID
WORK OF ROWLAND
AND SANDERS IN
THE FRENCH
ARCHIVES OF
LOUISIANA.

In 1902 the legislature of Mississippi established a State Department of Archives and History under the auspices of the Mississippi Historical Society. This was accomplished under the inspiration of a

group of distinguished citizens of that State who immediately selected Dr. Dunbar Rowland (one of the group) to direct the enterprise, a selection so wise that it is worth noticing when we remember there was a State appropriation to be expended in support of the Department. Dr. Rowland devoted his genius and strength to the task and his labor brought immediate and extraordinary local recognition and substantial results.

It was soon found, however, that there was need to improve and strengthen the organization and this change was made by legislation in 1906, establishing the Department of Archives and History as a permanent arm of the State. Mississippi is to be congratulated that she has kept Dr. Rowland as the active head of this Department from that date to this with apartments in the State Capitol at Jackson where the collection created under his prevision is housed and supported by State appropriation.

Almost immediately after this reorganization, Dr. Rowland began to obtain from France copies of the original papers in the Archives of that country pertaining to the whole French Era that is, from 1678 to 1769. The mere labor of selecting the needed papers was enormous, particularly as his limited appropriations placed restrictions on his ambition but he succeeded in gathering a relatively perfect set of these ancient archives of Louisiana.

Dr. Rowland was not the pioneer in this work, for others had long before made use of the Louisiana archives in France. He is, however, entitled to the high merit of pioneering in the bold enterprise, which devised an orderly and useful method for the reproduction of these valuable records so essential to a study of the colonial history of Louisiana and of Mississippi. If we are not misinformed, Dr. Rowland was working out his plans while the Library of Congress was preparing for its reproduction

of the French Archives of the same period and it is remarkable that without coordination there should be comparatively so little duplication of material in the two collections.

In classing Dr. Rowland among the pioneers we do not overlook or forget the work of Gayarre and of the Louisiana Historical Society in these archives in the forepart and middle of the last century and the still later work of the Society in the same archives just preceding Dr. Rowland's entry, but the pioneer work done by us lacked the touch of systematized reproduction of whole documents and other details that resulted from a scientific survey of the field before beginning operations.

For many years, the Department of Archives and History made no attempt to bring these archives to public attention by printing or publishing the same, but Dr. Rowland always kept that purpose in mind, and in 1927 the Department was able to print a volume entitled "Mississippi Provincial Archives, 1729-1740, French Dominion." The futility of printing a French text was recognized and the everlasting gratitude of modern students was assured by rendering the French text into perfect English. This work was done by Dr. Rowland in collaboration with Mr. A. G. Sanders, Professor of Romance Languages, Millsaps College, Mississippi.

The result is a masterpiece, both in exact rendition, scholarly understanding and extreme attention to and editorial care of details, the notes particularly being a delightful addition and in every instance just what is needed. It may be asserted with safety that no such monumental labor will ever again be expended on the French Archives of Louisiana. The first volume was devoted to French-English-Indian Relations and the wars with the Natchez and the Chicasaw Indians.

This book was noticed by the Chair in the Quarterly for January, 1928, and we expressed the hope it would soon be followed by another volume. This has now been published. It is devoted to new and unpublished material concerning the industry, commerce, agriculture, education and religion of the colonists from 1701 to 1729. This volume like its predecessor was translated by Mr. A. G. Sanders, and our praise of the first volume is wholeheartedly extended to the second. We are tempted to go further and say it is even better than the first for the translator,

like an experienced rider, has caught the gaits of his steed and sits the saddle easily in the most difficult places.

There is, we hear, another volume in preparation. The rest of us know that the supply is almost inexhaustible and this addition to our stock will leave us still hungry for more. The Quarterly is humbled in the presence of this great task, conceived and executed outside our borders, a work that Louisiana should long since have done and now will never have the opportunity of doing. In sackcloth and ashes we mourn over our humiliation but nevertheless we acclaim and delight in the distinction it has conferred on Mississippi and on the two rare scholars whose forethought and ability have placed this wreath upon her brow.



RECORDS OF THE SUPERIOR COUNCIL OF LOUISIANA XLIII.

November-December, 1743. (Continued from April, 1929.) BY HELOISE H. CRUZAT.

Memorandum by Editor of the Quarterly

The hereinafter named officials participated in the Sessions and/or took part in the work of the Superior Council of Louisiana during the period covered by this instalment of the Index, viz:

Salmon, First Councillor and First Judge

Prevost, Agent of the Company of the Indies

Henry, Clerk (Greffier)

Chantalou, Sheriff (Huissier)

Lenormand, Deputy Sheriff

Fleuriau, Procureur General

Barbin, Attorney of Vacant Estates (Procureur aux biens vacants)

Raymond Amyault, Ecuyer
Dauseville (deceased).
He was Barbin's
predecessor as Attorney of Vacant
Estates

Pellerin, Guardian of the King's Warehouse

Bizoton, Comptroller of the Marine and subdelegate of M. Salmon at Mobile De Noyon (Francois) by mark, consequently not a Councillor

a 11

Le Bretton, Councillor and Secretary of the Marine

de Noyan (Gilles Augustin Payen) Lieutenant of the Troops

Garic, Notary, for the first time so far (Dec. 19, 1743) no place stated but it is in the will of Nouguez

Chanfret, (Trenaunay de) sub-delegate of M. Salmon at Pointe Coupee

Lafreniere, Councillor

Raguet, Jean Baptiste, Councillor

Prat, Councillor

Nov. 18. Excerpt from the Registers of the Sessions of the Superior Council:

Judgment rendered by Superior Council. La Fleur vs. Trepagnier.

Between La Fleur, plaintiff, vs. Ignace Trepagnier, defendant: Seen by the Council the petition presented by La Fleur, the order and

act of the 6th and 11th of the present month, condemning Sr. Trepagnier to have repairs made and to furnish pickets, at his expense, on estimation of Noyon, expert named for that purpose, the defendant to bear costs of Court. By the Council. Henry, Greffier.

Nov. 19. 13/4 pp.

Le Bretton is appointed Councillor by Gov. de Vaudreuil and Commissaire Ordonnateur Salmon. He petitions to be inducted into office.

The Procureur General requires an inquiry into the life and morals of the applicant.

Order for such inquiry.

Nov. 20. 3 pp.

Procedure before Raguet as Commissioner on the Inquiry into the life and morals of the petitioner.

Francois Gautreau testifies.

Testimony of St. Martin de Jauryguibery. Petition to the Superior Council by Sr. Le Breton (Louis Cesaire Le Bretton), representing that M. de Vaudreuil, Governor: and M. de Salmon, Commissaire Ordonnateur having given him a commission for the Superior Council on the 18th of this month, under the pleasure of His Majesty, prays that same may be registered.

Le Bretton.

Order to communicate to the Procureur

General of the King.

Signed: Salmon.

Nov. 19. Demand by the Procureur General that inquiry be made into life and morals of Sr. Le Bretton before his reception, report to be made thereon, to be ordered what shall appertain.

fleuriau.

Nov. 20. Order for inquiry before M. Raguet into life and morals of Sr. Le Bretton. Salmon.

Inquiry before M. Raguet, Commissioner on this case, into life and morals of M. Le Bretton. First testimony was that of Sr. Francois Gautreau, aged about thirty-seven years, who declared that he was not a relative, a "connexion" nor a servant of the party, that he knows him to practice the Roman, Catholic and Apostolic religion. He is well acquainted with Sr. Le Bretton, that he is without blame and that he has seen him perform the acts of a practical Catholic. This being read to him, he said that it was the truth, persisted therein and signed:

Gauthreau.

The next witness was Raymond St. Martin de Jauryguibery, Militia Captain, resident of this Colony, employed in the Marine Office, aged about fifty years, who after being sworn, declared that he was not a relative, a "connexion," nor a servant of the candidate and was cited this day, which notice he produced. He testified that Le Bretton is known to be an

honest man, a practicing Catholic, which was all he knew. His testimony having been read to him, he said that it was true, maintained it and signed: St. Martin. Raguet.

Testimony of Sr. Pierre Voisin. The next witness was Sr. Pierre Voisin, officer of the town militia, aged about fifty years. After oath he declared that he was not a relative, a "connexion" nor a servant of the party, that Le Bretton was a practicing Catholic, and known to be honest and without blame. He said that his testimony was true and maintained it.

Signed: P. Voisin. Raguet.

Order to communicate to the Procureur General.

Salmon.

The Procureur General approves the applicant. Nov. 20. The Procureur General declares said inquiry good and valid and demands in the King's name that Sr. Le Bretton be inducted into the Council.

fleuriau.

(See Session of the Council admitting Le Bretton as Councillor, Nov. 29.)

Nov. 19. 1½ pp. Petition for recovery of debt. Petition to the Superior Council by Joseph Assailly, merchant of New Orleans, that Sr. Herbert, resident of Pointe Coupée owes him 593 livres, 15 sols, of which sum he cannot obtain payment, wherefore he prays that he be cited in order to pay said debt, interest and costs.

Assailly.

Permit to cite. Signed: Salmon.

Nov. 20. Notice of citation served on Sr. Herbert, at the domicile of the Procureur General, speaking to Pierrot, his negro servant, ordering him to appear before the Superior Council at its next session at 9 o'clock A. M.

Nov. 19.
1 p.
Petition for recovery of debt.

Petition by Joseph Assailly, wholesale merchant of New Orleans, saying that Sr. Roman, of the German Coast owes him 204 ls., 12 Ss., 6 ds., for merchandise sold in 1739 and 1740, and prays that he be cited to be ordered to pay said sum, interest, expense and costs.

Assailly.

Notice served.

Nov. 20. Notice of citation served on Sr. Roman at the domicile of the Procureur General and on Sr. Assailly, at his house in New Orleans, to appear before the Council Dec. 7th at 9 o'clock A. M.

Signed: Chantalou.

Nov. 20. $2\frac{1}{2}$ pp.

Prevost claims debt to Company of the Indies from the succession of Andre Carriere.

Petition by Jean Baptiste Prevost, Agent of the Company of the Indies saying that by your sentence of March 4, 1741, M. Tixerant was condemned to pay to the Company a sum of 26834 ls., 8 Ss., 10 ds., for the succession of deceased Sr. André Carriere, first husband of Madam Tixerant; that of 1000 ls. for an advance made to her during her widowhood, and that of 15445 ls., 9 Ss., 2 ds., for advances to said Tixerant following his account, which he has not yet paid; that the petitioner has been informed that they would presently proceed to division without mention of this debt to the Company, wherefore may it please you Sirs to order that the heirs be summoned to assemble at the domicile of Sr. Lavergne to hear the sentence which condemns them jointly to the payment of said debt to the Company before division.

Notice served.

Nov. 21. Heirs of Sr. Carriere cited before Council to answer on above petition. Salmon. Notice of citation served on Carriere coheirs and Sr. and Dame Tixerant by Chantalou.

Document water stained, and torn.

Nov. 20. 2½ pp. Beupre replies to Bardon's charge of assault, pleading self defense.

See decision by the Council Nov. 29.

Beaupre answering the complaint of an assault and insults made on Bardon says that his attack was made in self defense, only to avoid the blows and caning of Bardon. He was surprised to be cited when he should be the one to complain.

He has witnesses who will testify that the affair happened as he narrated it. He said that he had spoken the truth, maintained it and signed: Beaupré. Raguet.

Order to communicate to the Procureur General.

Raguet.

Upper margin in shreds, document otherwise torn and pale.

Nov. 21.
2 pp.
Petition for payment of debt, due by a dead man.
Rev. Father Vitry, Superior of the Jesuits is made party to the suit.
See judgment of the Council Nov. 29, No. 6.

Petition to Superior Council by Nicolas Godefroy Barbin, Attorney of Vacant Estates, claiming 4191 ls., 15 Ss., as per note of Rev. Father Le Petit who was then Superior of the Jesuits in 1739, for value of 10 pots of brandy and a sum of 500 ls., which P. Doutreleau was condemned to pay to Sr. Dausseville, then Attorney of Vacant Estates, and as petitioner in his capacity, will be seized of all that belongs to succession of Sr. de Richarville. Besides Rev. Father Vitry, the present Superior, would wish to liberate himself, which he cannot do unless so ordered by justice. This considered, may it please you, Gentlemen of the Council to have summoned the said Superior, Father Vitry to pay the sum of 3696 ls., 15 s., balance of the said note. Signed: Barbin.

Permit to cite. Salmon.

Notice served. Nov. 21. On petition of Sr. Barbin, notice of citation served on Rev. P. Vitry, Superior of the Jesuits, at his domicile.

Document charred, blotted, with ragged margins and in bad condition.

See judgment Nov. 29, No. 6.

Nov. 21. 3 pp.

(Synopsis)
Gov. de Vaudreuil
buys a plantation
on the East side of
the Mississippi
River for the price
of 30000 livres.
*Mississippi.

Sale by Jean François Gauthreau, General Guardian of the King's warehouse in New Orleans to "High and Mighty Lord Messire Pierre de Rigaut de Vaudreuil" Knight of the Military Order of St. Louis, Governor for the King of this Province of Louisiana, a plantation of ten arpents by seventeen fathoms and two feet front by forty arpents in depth descending the River St. Louis*, situated between the plantations of Sieur de Gauvrit and of Sr. Dalcour on one side, and on the other side of Sr. Gauvrit, the unconceded lands which run to Lake Pontchartrain and from the south on the river St. Louis, the whole as it is, following air lines and drawing by Sr. Broutin following the sinuosity of the river, on which plantation are constructed several lodgings and buildings, with twenty-eight negroes of all sexes and ages attached thereto, the whole seen and examined by the purchaser, as well as the oxen, cows, calves and heifers, to be enjoyed by him, his heirs and assigns, as owned by him from this day, for the price and sum of

30000 livres, payable in specie of France as it falls due, or in letters of exchange drawn on France by the purchaser, the said sum payable in four equal payments, to wit: 7500 livres in the course of 1744, and the three other payments of a like sum in similar proportion. Passed at the Government House, in the year 1743, on the twenty-first day of November, in the presence of Sr. Augustin Chantalou, and Jacques Cantrelle, here residing, and have signed in the minute; Vaudreuil, Gauthreau, Chantalou, Cantrelle and we, the undersigned notary.

Henry, Notary.

Nov. 22. Slip. (23575) Receipt to Mr. Barthelmy for the sum of 50 francs and two livres, 10 sols, to Mr. Beaupres of New Orleans.

Mark of + Marie dollet.

Nov. 22. (23572)

Will made before Fr. Charles. See Judgment Nov. 29. (No. 5) annulling this will. Before Fr. Charles, Capuchin priest, Superior of the said order in the Province of Louisiana, Diocese of Quebec, appeared Marie Dolé, wife of Sr. Jacques Fourcade, who was found by us in an upper room, ill in body, but sane in mind and understanding, who dictated to us her last will and testament: Ordered twenty-one low masses for the repose of her soul. The said testatrix named Sr. Barthelmy as executor. It was read to her, she declared that she had heard and understood it, that it contained her last will, and made her mark and the other witnesses signed.

Fr. Charles, Supr. Curé.
Millet neveu de Moné Toussaint.
dolet+

See Nov. 26.

Nov. 22. 1/2 p. Encounter with an English corsair. Declaration by J. L. Comerford of an encounter on Nov. 5, being at Cape Corints with a corsair with 40 guns, which bore down on them at full sail and fired on them and they were obliged to sail towards the Mississippi.

Signed: j. L. Comerford. A Rabun Daussant. Plisson. Lamothe. J. Crillay.

Nov. 23. 4½ pp. fo. 24. (23551) (3724)

Private sale of the Ship La Victorieuse, for 14000 livres. Port of New Orleans, by Pierre Nouguez, the proprietor, to Jacques Hyacinte Le Vasseur de Bonneterre and Nicolas Jahan Despres associates for the sum of 14000 livres furnishing mortgage security on all their movables and immovables and particularly on the said boat.

Signed: Despres. Le Vassor de Bonneterre.

Sale of the vessel La Victorieuse, now in the

Pierre Nouguez.

(23555) Feb. 4, 1744. Acknowledgment by Pierre Nouguez of full and complete payment of the boat la Victorieuse.

P. Nouguez. Henry (paraph) Greff.

Antecedent sale to Nouguez of same vessel. (Collated copy.) June 20, 1743. Sale of La Victorieuse by Pierre Navet to Pierre Nouguez for 6000 ls., and therefore he may dispose of it as he chooses. Signed: Moreau.

Whole document stained and ragged.

Nov. 24. (23177)
Letter from Natchitoches.

Letter to Mr. Bellehumeur from Robert of Natchitoches announces that he sends the negro as he promised.

Soiled but script in good condition.

Nov. 24. (25557) (3735) 4½ pp.

Marriage contract. Loby-Barre. Marriage Contract of Manuel Loby and Marie Barré, the minor daughter of Louis Barré dt Lavergne and Marie Jeanne Godefroy, a native of New Orleans, Diocese of Quebec.

Signed: Manuel Loby. Marie Joseph Barré. Bazm. Poiret. negreier. Cantrelle, Chantalou. Henry (paraph) Ntry.

Document stained.

Nov. 25. 13/4 pp. Costs and fees in a succession. Statement of costs of the inventory and rendering of account to her children issued from marriage to deceased M. de Gauvrit.

Signed: Raguet.

Nov. 26. 3 pp.

(Collated copy.)
Sale at
Cascaskias.

Before Louis Auguste Delaloere, Ecuyer, Sieur de Flaucourt, Secretary of the Marine, subdelegate of M. de Salmon in Illinois, at Cascaskias, Post of the Immaculate Conception, Dame Françoise Dizier, wife of Joseph Brazeau; who sold, ceded and abandoned 400 livres worth of merchandise, and transfers to said purchaser all her rights of succession and on immovables coming to her from succession

of her deceased father and mother, to him, his heirs and assigns, in the presence of witnesses and the undersigned notary.

Signed: Barrois.

Nov. 26. (23562) 3 pp. fo. 24.

Inventory of effects of succession of Marie Dolet.

On information of death of Marie Dolet, wife of Jean Fourcade or Forcade, who is absent, Jean Raguet, Councillor in the Superior Council, accompanied by the Procureur General and the greffier and the Huissier, went to the house of the deceased on Conti Street where we saw the corpse and found there Barthelmy Dubic, and after the usual oath that nothing had been taken, hidden, nor secreted, inventory was taken of all that was in the house, enumeration and description follow.

Signed: Barthelmi. fleuriau.

Nov. 26. Sr. Barbin, Attorney of Vacant Estates, took charge of deceased Marie Dolet's succession but Anne Galbron, wife of Barthelmy Dubic, her brother in law, produced a procuration from her absent husband, Sieur Barthelmy Dubic and took away the effects which belonged to Sieur Fourcade, so that Barbin was charged only with what was mentioned in the proces verbal of sale; Sr. Barthelmy is a coheir. Upper margin is torn and text destroyed. There is a chapter of receipts, and one of expense.

Nov. 26. (23502) fo. 24. (3730) 5 pp.

Complaint by Jahan of assault by Andre Carriere. Declaration in Registry by Sr. François Jahan against André Carriere for assault, abuse and ill treatment. He says that at 6 P. M. "he attacked, abused and assassinated" him in the middle of the street, because he meddled in the affairs of the succession between the Carriere heirs and Sr. Tixerant their step-father. It would not be just that he be dishonored by a young man whose birth and age are different from his. The petitioner complains of having been attacked with a club and treated as one would a rascal, a thief, an adventurer. As civil and public reparation is due him for this affront. He informed MM. de Vaudreuil and Salmon and hears that Sr. Carriere has been imprisoned. He becomes civil party for his justification against Sr. André Carriere. He will go to the prison to repeat damages and

interest in time and place, of which he was given certificate.

Henry (paraph) Greff.

(23598)
4 pp.
Details of the foregoing assault.

Nov. 26. Petition of Sr. François Jahan that on the 24th inst. on his return from dinner at Sr. Ignace Petit's, passing on the street opposite Maret Avignon, the Sergeant, on his way home, Sr. André Carriere waited for him at the corner in his dressing gown and night cap, and approached him with a blow in the stomach, knocked him down and gave him several blows with a cane on his face, a swiss passing there raised him, and said Carriere continued to give him blows, from which he has several bruises. He took refuge at Sr. Avignon's who tried to staunch the blood. The petitioner went to Sr. Guedon, the surgeon, and after the wounds were dressed, he made a complaint to M. Salmon verbally, and to the Registry in writing. These facts are known by Sr. de Macarty, his wife, the Swiss, du Puisieux, Ancelain, Avignon, his wife, Durantay, the Benoist woman, etc., in fine all the persons of the neighborhood who were at their doors on both sides of the street. This present to remain in the Registry, the clothes worn by the petitioner and a handkerchief soaked with blood, he prays that the surgeon may be ordered to make a report on the condition of the petitioner, that inquiry be made, and that the Procureur General be called in for the vindication of public justice. Signed: Jahan.

Nov. 26. Order that inquiry be made be-

fore M. Raguet.

Salmon.

Notice of citation on witnesses of the assault. Nov. 27. Notice of citation served on Sr. Maret, Sergeant of troops; Sr. Ancelain, merchant; on du Puisieu, Swiss soldier, at the barracks, with permission of the Captain; on Bassin and his wife, on Sr. Avignon and his wife, on the Benoist woman and on Durantay, at their domiciles, to appear to-morrow, 28th inst. before M. Raguet to testify to the truth, offering them reasonable pay, and in default of appearing will be condemned to ten livres fine, this present certified.

Signed: Chantalou.

Document in bad condition.

See further Nov. 29—Jahan is prohibited by the Governor from further prosecution of this suit.

Nov. 28.
3 pp.
Conclusions
(opinion) of
Fleureau, Procureur General on
the account in the
Carriere litigation.

Seen by us the instance pending between the Carriere coheirs and the widow of deceased André Carriere, now married to Sr. Tixerant, marine officer, defendant; the decree condemning defendant to render account, on petition of the plaintiffs, on date of April 6th.

The account rendered and notified on 10th of last October; the usual debates in October of the present year; the replies on Nov. 4th and 14th and defense of Nov. 21st; the marriage contract of July 24th, 1719, and inventory on date of July 22d of the same year; the contract of marriage of Sept. 2d, 1724, merchandise annexed and other agreements on date of Sept. 22d of said year; inventory of April 11th, 1723, closed on May 15, 1724, and all the papers produced in the suit, the whole duly considered, the Procureur demands in the King's name that the first three chapters be approved, as they are carried in the account of Sr. and Dame Tixerant, and accepted by the litigants in their debates of Oct. 2, 1743.

In the fourth chapter of receipts that the lots coming to the community remain as they are, without obliging the defendants to rebuild the house as it fell from old age, the inventory proving that this old cabin, of rotton pickets, is old enough to fall, they may demand payment as per estimation. The same may be said of the plantation at the English Turn, the defendants not being held to cultivate a sterile land. . . (the text destroyed in lower end of the document).

The fifth chapter concerning the black and Indian slaves was decided by the decree of the 15th of this month; the heirs will keep the six slaves named and the other slaves on appraisement are to be divided between the widow and the coheirs, the accountants not being responsible for those who died. Sr. and Dame Tixerant will charge their receipt with 1080 livres.

In the sixth chapter the cattle are to be divided in kind, as they are, and the accountants are not to be charged with the sum of

six hundred livres demanded by the coheirs as the inventory signed by M. Rossard in which it is said that the hogs, etc., are carried by inadvertance, though some were "consumed" by the inmates of the plantation.

With the consent of all parties the papers are to be held by those (text destroyed) the defendants present the receipts of the Agent of the Company, of the guardian of the warehouse, and will remit them to the Agent of the Company who will furnish their acknowledgment. The defendants will keep account of 400 livres drawn on Sr. Kolly in default of producing the note. The heirs affirm that they are ignorant of Roy having died bankrupt and summon him to pay his debt........ (text destroyed). Concerning the sum of 400 livres due by M. Carriere of Illinois, the heirs contend that it was paid to the Widow and heirs and they must have receipts and this must be followed by an explanation.

The first chapter of expense amounts to 1700 livres; the second to 250 livres, which is allowed; the third to 1804 livres which is allowed on production of receipt; the fourth consists of 1000 livres for dowry and preciput, at choice of Madam Tixerant is allowed on condition of bond furnished as per marriage

contract of July 24, 1719.

All the effects composing the community shall be divided between Madam Tixerant and the coheirs, after appraisement, before the

curators, relatives and friends.

The defendants are held to remit the effects in kind or to pay their value for which they remain trustees, in default of which they will be condemned to pay the cost.

Signed: fleuriau.

Nov. 29. 1 p. (23506) fo. 24.

Governor Vaudreuil orders Jahan cease proceedings. Declaration in Registry by Sr. Francois Jahan* who ceases all pursuit against Sr. André Carriere, following his complaint of Nov. 24th, because he has been forbidden by Gov. Vaudreuil to continue; but all proceedings shall remain. He does not consider as reparation the imprisonment ordered by the Governor as he only asked his assistance for public officers, this declaration to serve and avail as need be.

Signed: Jahan.

*Alternately written Jahan or Jaham.

Nov. 29.
31/4. pp.
Report by one of the arbitrators in the suit of Meyere and Pery.
See judgment of Council, post
No. 2, Nov. 29.

*Private or separate consignments on the same ship, the word meant at this period a private shipment out of which the captain received a certain benefit, no part of which went to the owners of the ship. Report by Nouguez, one of the arbitrators named to examine account of Sr. Meyere, and Ignacio Delemburu, holding procuration of Sr. Pery. After several meetings we have not been able to agree on vouchers and on expenses for which no receipts are produced, wherefore I have decided to give my report separately, which I owe to my conscience.

First—I allowed the presents amounting to 3000 piastres, not only because Sr. Paul Rasteau did as much in his first voyage though only 1000 appear in the account of the association; Sieur Sevet assures us that the other 1000 piastres were divided on the "pacotilles"* of which several private individuals are charged. Sr. Meyere insists on the letters written to him by M. Pery to notify him of the great expense he was obliged to make; he even warned him that the presents might amount to three thousand five hundred piastres, wherefore I cite in my report that the said presents should be allowed.

Second—I have examined all the other charges for transport of merchandise, wages of negroes and rent for shallops, cartage and visits of the boat, all said expenses appeared to be usual and as they cost more or less according to the time they cannot be discussed, all the more from there being nothing suspicious in his accounts. He paid the visits to the boat 50 piastres, but they were made only with a view to facilitate a sale of the cargo, which he sold after two visits. On his good faith and on vouchers this expense is allowed.

Third—Table expenses are allowed, as it is incontestable that as long as he had his boat, he could have fare aboard, but he was obliged to remain on land to manage the cargo, and his boat being condemned. In his account he credits Sr. Pery with 100 piastres for two casks of wine. He endured M. Pery's brother for a long time, and boarded Sr. Richaume during his residence, which he would not have done without necessity. An army of 8000 men at Vera Cruz, made provisions higher, and for all these reasons the entire expense is allowed.

Fourth—Though Sr. Pery presented Sr. Delemburu, who explains with some disadvantage, the account rendered by Sr. Meyere, which I read over and over, and I think he simply wished to explain his restriction in his receipt to send the parties back to their agreement. A merchant will not pass over an account which he questions without specifying the items he finds difficult. Sr. Delemburu acknowledged all the expense and made a restriction only on the double sense of the agreement and on the 200 piastres Pery allowed Meyere. All these reasons persuade me that the account rendered by Sr. Meyere at Vera Cruz is in good form and should be recognized and ratified in full.

Signed: Nouguez.

Nov. 29. Sr. Nouguez remits the above inclosed paper with the others to be read after the other reports at the Sessions, which he would bring himself but he is indisposed, and if the Gentlemen need any explanation he expects to be notified and he will do his best to be transported there.

Nov. 29. Excerpt from the Registers of the

Sessions of the Superior Council:

Seen the account presented by Sieur Pery of the merchandise left him by plaintiff, amounting to 6725 livres, 10 sols, with the answers and the acknowledgment of Sr. Pery, and the conclusions of the Procureur General of the King. The Council, before final judgment orders the plaintiff to answer on the error concerning the soap, and for this purpose to produce his invoices and bill of sale.

Signed: By the Council. Henry (paraph)

Greff.

Notified to M. Pery, Nev. 29, 1743.

Nov. 29. 2 pp.

Nov. 29.

Nouguez to

M. Henry.

before final

judgment.

Order Meyere to

produce vouchers

1/2 p.

Succession of Jean Bouquet.

Mrs. Bouquet, having remarried her husband asks that the deceased Bouquet's effects be divided and that coming to the heirs remain in her possession. Petition to Superior Council by Enemon Thomas called Jourdan, husband of Widow of Jean Bouquet, stating that by the first community there accrues to said widow one half of all the goods of the succession of Bouquet. Having heard that they intended to sell the goods of said succession which would be at a considerable loss for the succession and the widow, petitioner prays that division be made in kind after appraisement of said goods, the petitioner offering to give bond for the value of half and prays that widow's share remain in his possession.

Thomas dt Jourdain.

The Procureur General demands that slaves and land be appraised. Seen the present petition; the Procureur General demands that the slaves and land be appraised by experts and that the whole be trusted to Jourdain, husband of Bouquet's widow, on furnishing good and sufficient bond for the half coming to the other heirs of deceased Bouquet.

fleuriau.

See judgment of Council Post, No. 7, Nov. 29.

Nov. 29. $1\frac{1}{2}$ pp. (23568)

Petition to sell lots of Marie Dolet.

Petition by Barthelmy Dubic for sale of two lots to pay a few debts and the expense of the last illness and funeral. These lots belong to the first community of Marie Dolet and Pigeol and there was no issue.

Barthelmy.

Permit to sell after complying with prescribed formalities.

Salmon.

Procureur General calls in the attorney of Vacant Estates.

The Procureur General, considering that goods of the first marriage, do not concern the second husband, demands that the Attorney of Vacant Estates be called in, so that the debts, expenses and pious legacies be paid. fleuriau.

See judgment of Council (Post No. 5, Nov. 29).

Nov. 29.
21 pp.
Decree of Superior
Council in suit of
Carriere heirs vs.
Sr. and Dame
Tixerant.

Decree of Superior Council in case of Carriere coheirs vs. Sr. and Dame Tixerant, instituted on petition of Sr. André Carriere, emancipated by letters of benefit of age, son of deceased Sr. André Carriere and Marie Arlut, now married to Sr. Tixerant. The plaintiff is under the authority of Sr. Joseph Carriere, his uncle, appointed his curator. Review of different proceedings with dates, beginning by petition of March 28th, concluding that Sr. Louis Tixerant jointly with Madame Tixerant, previously widow of André Carriere, be condemned to render account of the estate of the deceased father of the plaintiff, for the share accruing to them in kind or specie, following inventory made after the death of their said father. Considering the decree rendered on the 6th of last April, by which defendents were ordered to render account, notified to them by Chantalou, huissier, on July 29, other notifi-

cations served on August 5th and 10th, followed by an account rendered to Sr. Carriere of which he was duly notified, containing seven chapters of receipts and four of expense; the first chapter of receipts covering wearing apparel and furniture, utensils, merchandise and tools as per inventory amounting to the sum of 2953 livres, 10 sols; the second including provisions, which are mentioned as memorandum; the third noting 165 livres of Colonial money; the fourth two lots in the City, estimated in the said inventory at 1400 livres; a plantation at the English Turn and another at Mobile; the fifth composed of five negroes and negresses and young negresses, four other slaves, servants in the City, estimated in the said inventory 2290 livres, twenty-four black slaves at the plantation, but their estimation has been confused with others, likewise three Indians and two savagesses, of which account is rendered in kind; the sixth chapter of receipts concerning the cattle, to wit: nine cows, six "vedettes" or sentinels, three bulls, a calf and a horse; the seventh and last concerns the titles and papers. The first chapter of expense itemizes medicine and delicacies furnished Sr. Carriere during his illness, cost of funeral and of mourning for the widow and children, amounting to 1700 livres. The second chapter of expense covers the costs of justice, to the sum of 250 livres; the third expense covers passive debts amounting to 1804 livres and the fourth relating to the settlement and preciput amounting to 1000 livres, the preciput noted as memorandum as the total of the expense exceeds the receipts by 1635 livres, 10 sols; with debates furnished by Sr. André Carriere, and Sr. Lavergne, married to Marie Joseph Carriere, Sieur Trudeau as husband of Marie Anne Carriere, all three heirs of the said deceased. The replies of the accountants of Nov. 4, defense of the heirs, of the 14th of the same month, the decree of the Superior the minors and shall belong to them in full Council of the 18th of said month, ordering that François and Maman Gros, slaves of the deceased and their issue be remitted to ownership without division, on condition that

they will recognize to the community of deceased Carriere and their mother the sum of 4000 ls., ordering moreover that in three days the parties will answer the debates and defenses of their accounts. Seen the marriage contract between Widow Carriere and Sr. Louis Tixerant, passed before Rossard, on Sept. 2, 1724, also a statement of merchandise annexed to said contract on Sept. 22, of the said year, and the inventory made after decease of said André Carriere, April 6, 1723, and the marriage contract between Andre Carriere and Marie Arlut, on July 24, 1719. Heard the conclusions of the Procureur General of the King, and the whole considered and duly examined. The Council orders that the 2d, 3d and 4th chapters of receipts be allowed to the said accountants defendants, to be divided between the plaintiffs and the defendants, one half to each side, excepting the plantation situated at the English Turn, which shall be divided between them on payment by defendants of the sum of 1000 livres, for damages, degradations and abandonment of said plantation; the fifth chapter relating to the slaves of said succession being reduced in number to twenty, the five over will go to replace those that André Carriere had prior to his marriage to Marie Arlut, following the decree of the 18th inst., which shall be executed in its form and tenor, on condition that the defendants will be held to return in kind, the three negroes who were carried off at the lake, by their fault, this also to be divided by half; that the defendants will pay the sum of 1080 livres for the value of Cotica, savage slave owned by deceased Sr. André Carriere. The other demands of the plaintiffs relating to the sixth chapter of receipts, are rejected; the seventh chapter of receipts will be allowed, excepting the letter of exchange amounting 400 livres drawn on Kolly, and a note for 200 piastres, signed by Grenier. The expense (first chapter) amounting to 1700 livres, will be reduced to that of 1000 livres and the item in the ninth chapter of 230 livres will remain allowed; the one in the third chapter of 1804 livres, will be reduced to 1250 livres. The expense of the settlement in the

fourth chapter, will remain allowed on sufficient bond being furnished by the defendants. The defendants, before division, are held to pay the balance of the account, which shall remain as agreed in money as well as slaves and cattle and the effects, with interest to date.

Signed: By the Council.

Henry, Greff.

Dec. 3. On petition of the Carriere heirs, residing in New Orleans, Sr. Augustin Chantalou has served notice of the judgment on Sr. and Dame Tixerant, at their domicile, leaving them copy of same.

Signed: Chantalou.

Nov. 29. (2362) 7 pp. Judgments rendered.

Induction of Louis Cesaire Le Bretton into the Superior Council.

Pery vs. Jacques

*Rasteau in his signature.

de Meyere.

Session of the Superior Council, were present MM. Vaudreuil, Governor; de Salmon, First Judge; de Noyan, Lieutenant of the King; de la Freniere, Fazende, Raguet, and Prat, Councillors.

1. Between Sr. Le Bretton, petitioner: Seen the commission granted to him on the 18th inst., the inquiry into life and morals with the conclusions of the Procureur General, Sr. Le Breton was inducted into the Superior Council, as Councillor assessor.

See the previous proceedings Nov. 19-20.

2. Sr. Pery, plaintiff, vs. Sr. Jacques de Meyere plaintiff and defendant: Seen the decree of the 18th inst., appointing Sieurs Rateau* and Nouguez as arbitrators and Sr. Livaudais as super arbitrator, on their report decision to be given: The Council orders that the sum of 900 piastres expense be reduced to 200 piastres, according to agreement between the parties and that the sum of 3343 pesos be reduced to 2000 piastres owing to quality of the cargo, defendant to pay costs.

Jacques de Meyere vs. Sr. Pery. 3. Between Jacques de Meyere, plaintiff, vs. Sr. Pery, defendant: The Council has seen the account rendered by Sr. Pery and his acknowledgment, together with the conclusions of the Procureur of the King and before final judgment orders proof of the alleged errors in favor of defendant. Costs pending.

De Noyan petitioner for homologation of donation of Horn Island by Bienville.

Dubic petitioner.
The Council
annuls the will of
Marie Dolet.

Barbin vs. P. Vitry.

*Original Document gives it as Enemon Thomas, petitioner.

- 4. Sieur de Noyan, petitioner: Seen by the Council the donation made by M. de Bienville of Horn Island, on the 14th of last March, with the conclusions of the Procureur General, homologates said donation to be executed in its form and tenor.
- 5. Sr. Barthelmy Dubic, petitioner, on Oct. 22d, for discharge as executor of succession of Marie Dolet: The Council has declared the said will null and ordered the succession to be placed in the hands of the Attorney of Vacant Estates.
- 6. Between Sr. Barbin, Attorney of Vacant Estates, plaintiff, vs. Rev. P. Vitry, Superior of the Jesuits, defendant: Case heard with the conclusions of the Procureur General of the King, the Council has condemned the defendant to pay the sum of 3691 livres on note signed by Rev. F. Petit, and thereafter to be validly discharged.
- 7. Between Remond* Thomas as husband of Widow Bouquet, petitioner: Council orders estate of deceased Bouquet to be appraised, after which it will be turned over to the keeping of Widow Bouquet, now Mrs. Jourdain, on furnishing security to the heirs. Costs compensated.
- 8. Between the heirs of deceased André Carriere, plaintiff, vs. Sr. and Dame Tixerant, defendants: Seen the debates and defenses of the parties, with the conclusions of the Procureur General, and the report of M. Raguet, commissioner in this case: The Council has decreed that the defendant shall pay plaintiff the sum of 1000 livres for damages and deterioration of the plantation etc. (The judgment covers three pages, to be seen above, Nov. 29, in decree rendered by Council).

Signed: Vaudreuil. Noyan. Salmon. fazende. lafreniere. Le Bretton. Raguet. Prat. fleuriau.

Nov. 29. 2½ pp. (23587)Petition of Procureur General to annul sale by Dausseville, attorney for Vacant Estates, of the slave Marie Charlotte and to sustain the manumission of said slave by her late owner

Petition to Governor Vaudreuil and Ordonnateur Salmon, by the Procureur General, for approval of manumission of Marie Charlotte. He states that she was given her freedom by Sr. de St. Jullien Oct. 9, 1735, in writing, under private seal, before witnesses, but under the false pretext that the estate would not cover the debts, Dausseville, who was then Attorney of Vacant Estates had her sold and bought her himself for 1500 livres, taking upon himself to annotate the manumission as "non valid." Fleuriau prays that after payment of 1500 livres to Dausseville heirs, this manumission be granted, with privilege to apply to the Council to have the same sum paid by the Dausseville succession. Signed: Vau-dreuil. Salmon. By my said Sieur. (Signed) Olivier de Vezin.

Seals of Vaudreuil and Salmon.

Document blurred and ragged with perforations.

Nov. 29. No. 963.

The Superior Council decides the complaint of Bardon vs. Beaupre for assault and abuse to be a civil action (and not a criminal one).

Judgment rendered between Raimond Bardon, plaintiff and accuser, against Jean Baptiste Beaupré, defendant and accused: Seen the complaint and inquiry made on petition of Bardon, on date of Sept. 16th, report thereon, the interrogation of Beaupré on the 20th inst., with the conclusions of the Procureur General of the King. The Council has declared the suit instituted to be a civil one, inquiry to be made. Costs pending. Signed: Vaudreuil. Noyan. Salmon. fazende. lafreniere. Le Bretton. Prat. Raguet. fleuriau.

Document blurred and ragged.

Nov. 30. (23596)(2740)1½ pp.

Petition for return of 1200 ls. paid for slave who is freed by agreement.

Petition to M. de Vaudreuil, Governor and Salmon, Ordonnateur by J. F. Gauthreau, stating that he bought from MM. Pradel and Lange a negress named Junon, for 1200 livres, in Colonial money, though she was worth more, as she was to be freed in the event of the death of the petitioner, in which case Sr. Lange would reimburse the 1200 livres to his succession. Later on the petitioner wished to sell the said negress, which he could not do but would be compelled to free her. This considered may it please you, Gentlemen to allow the petitioner to free said negress so that he

Order for reimbursement.

may have a right to the above sum of 1200 livres. Signed: Quatreveau.

Nov. 30. Seen by us the Governor and Commissioner of the Marine and Ordonnateur of the Province of Louisiana, the above petition which we approve and we ratify the manumission of the negress Junon, on condition of the reimbursement which Sr. Lange is obliged to have paid.

Signed: Vaudreuil. Salmon.

Nov. 23. (23587)

Petition to the Governor and to the Ordonnateur of Louisiana, by Fleuriau, Procureur General, stating that Marie Charlotte formerly owned by Sr. de Pierre de Saint Jullien has addressed herself several times to him verbally and presenting petition to have approved by the Council her freedom which St. Jullien gave her long before his death in writing under private seal in 1735, Oct. 9, before witnesses, and which she never enjoyed to this day, because Sr. Amyault Dausseville, Attorney of Vacant Estates, charged with the succession of St. Jullien, secreted this manumission, had her sold and bought her for himself, for 1500 livres, under the false pretext that his estate did not cover his debts to the Company, and that this freedom was given her without the consent of the Governor and Ordonnateur. If he had done his duty he would have had the accounts of this succession approved and liquidated and there would have been enough to pay as Sr. Barbin can show, and as M. Raguet and M. Prevost, Agent of the Company can prove. He should have turned over to the Council the manumission to be determined if valid or not, but by a word added he decided this himself, annoting "non valid". Fleuriau asks that this freedom be approved on returning to Dausseville's succession the 1500 livres he paid for her, with privilege of having recourse to the Council to have it paid by said succession.

Signed: Vaudreuil. Salmon and countersigned by "our secretaries" and sealed with our arms.

Vaudreuil. Salmon. By my said Sr. Olivier de Vezin.

Sieur DelaPlace. (Document blurred, ragged and perforated.)

Dec. 1. 4 pp.

Sale at auction of house and lots.

Sale of three lots and a house in New Orleans, owned by Charles Le Roy, absent from the City, represented by his attorney as appears in the procés verbal of seizure. The said house and lot, cried at auction: Sr. Bellegarde's bid of 1800 livres was covered by Jacques Judice at 2000 livres; by La Tendresse at 2050 livres; and by Dalmant at 2100 livres; followed by a bid by Sr. Bellegards at 2150 livres; by Brantan at 2200 livres, and adjudicated finally to Sr. Lemesle dt Bellegarde at 2500 livres, to be turned over to Sr. Prevost giving receipt for the Company, as Agent, Sr. Bellegarde paying costs as well of the sale as of adjudication, following statement hereto annexed.

Signed: Jahan. Prevost. Lemesle. Chantalou. Salmon.

Lower down two lines signed Prevost, but illegible owing to being torn through.

Consent by Sr. Le Roy, that the three lots and houses, seized as mentioned in the procès verbal of seizure, be put up for sale, after being published and posted during three following Sundays, bids being told to the Notary by Sr. Jahan, following his procuration, in order to avoid costs. Jahan. Chantalou.

First notice.

Second notice

Third notice.

Sept. 10. First notice of sale of lots and houses, in New Orleans, owned by Sr. Le Roy, who is absent, presented by his attorney Jahan.

Signed: Rivard. Songy. Chantalou. Nov. 24. Second notice of sale.

Signed: Chantalou. Third notice read, published and posted at

the beat of the drum after High Mass. Unfinished.

Document creased, stained and torn.

Dec. 4. 2 pp. Petition of recovery of debt. **Petition** to the Superior Council, by Chantalou, claiming, with vouchers, that Sr. Le Roy owes M. de Macarty the sum of 820 livres on a note dated last April 27, on which 300 livres were paid on account, 540 livres still due, and as Sr. Prevost has had seized a house and lots, adjudicated to Sr. Bellegarde for 2500 livres, plus costs and expense, he prays that Bellegarde pay to petitioner 540 livres, protesting

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against delivery of the money. Signed: Chantalou.

Sr. Bellegarde to be informed of the petition. Salmon.

Dec. 5. No. 964. 2½ pp. Judgment against Le Roy. Judgment between Sr. de Macarty and Le Roy. Sr. Le Roy having been condemned by decree of last April 27 to pay face of his note in favor of Macarty and costs, a repeated command to said Le Roy on May 7th, and seen the declaration of Sr. Chantalou of having received the sum of 2500 livres. Sr. Prevost is creditor for the King and Sr. Chantalou likewise a credit or for the sum of 540, Sr. Bellegarde was summoned on said petition and declared that he was ready to pay the price of his adjudication to whom it will be ordered by justice, on condition of good and valid discharge, wherefore it is ordered that on the said price of adjudication 540 livres be paid to Sr. Macarty, Le Roy to bear costs.

Salmon.

Document in good condition.

Dec. 5.
(23600)
(3742)
fo. 24.
1½ pp.
Brosset's declaration regarding vermilion offered to him at less than the ruling price at the King's store.

Declaration in Registry by Sr. Brosset, merchant of this City, who wrote and declared that yesterday at about 2 in the afternoon, one La Clef, wife of Fontanne, endeavored to sell him some vermilion which she offered at 8 francs per lb., he offered 7 francs, which was accepted and having weighed it found eleven pounds, which he paid cash. It is sold 10 livres in the King's stores. Said La Clef assured him that her husband had given it to her for sale, that she had already sold 2 pounds to Durantais and had more to sell, if he wished to buy it. Fearing that the said vermilion had been stolen, he makes this declaration to serve as need may be. Signed: Brosset. Henry, Greff.

Signature charred.

Dec. 5.
(23602)
(3743)
fo. 24. 2 pp.
Sale of a ship
to Lafitte.

Sr. Louis Geoffroy, wholesale merchant of New Orleans, and owner of the ship, Le Foudroyant, at present in this port, has by these presents sold, ceded, abandoned and transferred to Marc Antoine Lafitte, Jr., of Martinique a boat of 140 tons, 60 ft. of keel by 28½ ft. of depth, with its rudder, masts, main-yard, sails

rigging, tackle, armed with six pieces of iron cannon and fourteen guns, two anchors, one of which is damaged, for the sum of twenty-five thousand livres in colonial money which said Sr. Lafitte has paid cash.

Signed: Lafitte. Geoffroy. Chantalou. Can-

trelle.

Henry (paraph) Ntry.
Document so badly stained as to be illegible
in parts, with both margins ragged and perforated.

Dec. 7. (23604) (3744) fo. 24. 1 p.

Declaration regarding four runaway negroes. Declaration by Jacques Larche in the Registry that he has four runaway negroes, namely: three owned by Busson succession, of which minor he is tutor; one named Malbourough, of Bambara nation, of about thirty years; another Bambara of twenty-eight years, a Creole of Martinique, aged fifty years; and another belonging to the declarer, of the Fonda nation, named Michel, aged forty-five years. This declaration was certified.

Signed: Larche. Henry (paraph) Greff.

Dec. 8. 2 pp.

Complaint of
Joseph Hebert
against de la Houssaye, Commander
at Pointe Coupee
for assaulting and
wounding the
complainant.

Complaint in Registry by Joseph Herbert, merchant, resident of Pointe Coupée, of an assault on him with a cane by Commanding Officer de la Houssaye, and of a blow with his sword which might have killed him, but for striking a button, and entered his shoulder. He called for help, whereon de la Houssaye retired and ordered his arrest; he remained under arrest six days and could not come down sooner to enter his complaint his wound not having healed, which was dressed by Sr. Meuillion of Pointe Coupée, he requests services of the Procureur General for vindication of public justice, and asked that this declaration be certified. Signed: J. Herbert.

Henry (paraph) Greff. Document in very bad condition.

N.

2 pp.

Notification of auction sale of Pery's real estate.

Dec. 8.

Notification to the public that by virtue of the real seizure made of goods of Sr. Pery, on petition of Madam Pery, his wife, under the authority of Sr. Antoine Aufrere, her father and curator, it shall be proceeded next Saturday, at 9 A. M. at the bar of the Court, to the sale and edjudication of a lot situated in New

First notice.
Second auction.

Fourth notice.

Orleans, at the corner opposite the presbytery and on the other side adjoining Sr. Joseph Carriere. Read, published and posted in all customary places. Chantalou.

Dec. 15. First notice, signed Chantalou.

Dec. 28. On Saturday, Dec. 28, at 9 A. M. sale and adjudication continued.

Chantalou.

Dec. 29. Sale and adjudication to be cried for the fourth and last time next Saturday, Jan. 4th. Chantalou.

Dec. 9. 1/2 p.

Certificate of sum needed to complete work. Statement of the sums necessary to complete the work Sr. Ignace Trepagnier expects Lafleur to finish.

Total: 410 livres.

Certificate by Francois de Noyon of the valuation of the work done by him. Mark + of francois de noyon.

Voileau.

Dec. 9. (23570)

Sale of the movables of Marie Dolet Forcade, deceased. Sr. Raguet, Councillor, on request of Nicolas Barbin, goes to the Registry, accompanied by the Procureur General, by the Greffier and the huissier, to proceed to sale of movables of deceased Marie Dolet, wife of Forcade. Detailed account of sales and prices they brought Total: 442 livres, which sum will be turned over to M. Barbin, Attorney of Vacant Estates for whom by right it belongs. Signed: Barbin. fleuriau. Chantalou.

Dec. 9. Slip.

Receipt for price of coffin for the said decedent. Receipt to Sr. Barthelmy the sum of twenty livres for having made a coffin, furnished the wood, and nails for deceased Madam Fourcade, deceased at New Orleans.

Signed: Du Prey.

Dec. 9. 7 pp.

Proceedings in the separation suit of Pery vs. Pery.

Registration of proceedings by Sr. Francois Jahan in the suit of Francoise Aufrere, wife of Gerard Pery for separation of community, following the decree of the Superior Council in her favor and return of her dowry. Signed: Boyag. Couilleret. Chantalou.

Dec. 10. No. 965. 1½ pp. Judgment. of the Superior Council. Judgment rendered between Sr. Jacques de Meyere and Sr. Gerard Pery, defendant: Seen the demand, the affairs of the parties, with note of Sr. Pery, dated Jan. 10, 1742, the account rendered by Sr. Pery, and the conclusions of the Procureur General of the King, the Council condemns the defendant to pay in money the sum carried in the receipt he gave, without attention to the errors alleged in the weight of soap. He is also condemned to return to plaintiff, the one he really received, the value of costs on defendant.

Signed: Salmon. Le Bretton. lafreniere. Ra-

guet. Prat.

Dec. 1. Inclosed in above document: Seen the suit unduly instituted by Sr. de Meyere, plaintiff, vs. Sr. Pery, defendant, the Procureur General concludes that defendant be held to pay to plaintiff the sum carried in his receipt of Jan., 1742, following bill furnished by him, without attention to the demand on the error on the soap, none of the merchandise being sold at a higher price that the one carried in bill by him.

As to the letters of exchange claimed by de Meyere on the General Treasurers of the Marine in France, Sr. Pery is condemned to remit to him the ones which mention the efforts he made to obtain the other, on which he will be discharged on remittance of the funds given him for said payment. Defendant

to bear costs.

Dec. 10. An unfinished decree in this case, which is not only incomplete but unsigned.

Dec. 13.

2 pp.

Petition by heirs of Andre Carriere, for wages of slaves.

Conclusions of the

Procureur General.

Petition to the Superior Council by the heirs of deceased Sr. André Carriere, claiming that Sr. Dame Tixerant owe them 3000 livres following account hereto annexed for the hire of the negroes remitted to them in the division of Dec. 12, 1743. To André Carriere, minor, under authority of Joseph Carriere, his curator for five slaves, pieces d'Inde, namely: Jacques, pied blanc, Cristine, Francois petit, Therese and her daughter, since a year that they are not under charge of Sr. and Dame Tixerant, at 200 livres per year, total 1000 livres; to Madam Lavergne one negro, piece d'Inde; from May, 1740 at 200 livres per year; to Mrs. Trudeau for one from April 15, 1741, to Dec. 12, of the present year, for two negroes, at 200 per year, 1066 livres, 13" 4" and for a nursing negress and her child, also at 200 livres per year, which she had a year

Fragment.

after her marriage, 200 livres. Full amount 3000 livres, wherefore they pray that Sr. and Dame Tixerant be cited before the Council to be condemned to pay without delay the sum of 3000 livres, considering the necessity for one of the petitioners to go immediately to his garrison at the Balise, the said Sr. and Dame Tixerant, will produce in eight days, at latest, the vouchers confirming the bill of exchange of 200 piastres on Sieur Kolly and the note of Sieur Grenier for 400 livres, 100 livres which they hold under inventory, which was made after decease of Sr. André Carriere, as they also maintain and affirm that the debt of Sr. Antoine Carriere of Illinois for four slaves is still unpaid as well as merchandise for which the heirs are at this day paying half to the Company, which would not be fair if Sr. and Dame Tixerant had received this sum; deceased Sr. Dreux paid 600 livres, for two cows following decree of Council, as well as many other notes with which they are charged, by the inventory.

Signed: Lavergne. Trudeau.

Dec. 13. Permit to cite signed: Salmon.

Dec. 16. On petition of Srs. Lavergne and Trudeau, as husbands of the daughters of deceased André Carriere, notice of citation served on Sr. and Dame Tixerant, at their domicile in New Orleans, speaking to Marianne their servant, to appear before the Council at its next session, leaving copy of said petition and of this present which was certified. Lenormand.

Dec. 14. 1½ pp. (23607) fo. 24. (3746) Sale of the snow "The Nymph."

Notice of citation

served.

Sale of the snow "The Nymph" by Ignace Petit, Inn keeper. The boat is of 130 tons, — feet in length by 18 feet width and 9 feet in depth, with its rigging, tackle, masts, and sails, for 4750 livres in current money of the Colony paid cash.

Signed: I. Petit. Cantrelle. Chantalou. Henry (paraph) Ntry.

Dec. 14.
(23574) Slip.
Costs and charges in the succession of Marie Fourcade*.

Charges to succession of deceased Marie Dolet, wife of Forcade.* Total 15 livres.

Received the above 15 livres from Mr. Barbin, at New Orleans, on this date. Signed: Chantalou. (23573) Slip. Dec. 18. Certificate of having received from M. Barbin, Attorney of Vacant Estates, from succession of Marie Dolet, wife of Forcade, the sum of 100 livres for funeral and for masses for the repose of her soul. Signed: F. Charles, Cap. Superior.

Dec. 14. (30932) 1 p.

Petition for family meeting to select a tutor to minors. Petition to Superior Council by J. B. Raguet, acting Procureur General to convene family meeting of heirs of Louis Assailly to elect a tutor to his five minor children.

Signed: Raguet.

Order to convene family meeting.

Lenormant.

Dec. 16. 23/4 pp. Original.

Dec. 16. J. B. Raguet, acting Procureur General, by virtue of the order below his petition to convene a family meeting of the Assailly relatives to elect a tutor to the minors, notified the following Sieurs: Chaler, dit Versailles, a cousin by marriage; Vincent Boyau, Laurent Lerable, François Boyer, Jean Cariton, Marin le Normand, and Augustin Chantalou, Clerk of the Greffier (commis Greffier), who met before Nicolas Chauvin de Lafreniere, and named Francois Chaler, as tutor, and he having voluntarily accepted the charge and taken an oath to fulfill his duties faithfully, his election was homologated and signed by all excepting Boyer who did not know how to sign nor write, wherefore inquiry, as per ordinance.

Chaler. Boyau. Laurent Lerable. Cariton. Cantrelle. Chantalou. Lenormand. lafreniere.

Raguet.

Note: Louis Assailly, dit Tranchemontagne

was married to Therese Bret.

Dec. 18. Petition by Francois Chaler, dit Versailles, who was elected tutor of minor heirs of Louis Assailly and Therese Bret, replacing their former tutor, Pierre Bary (deceased). He prays that Marie Bret, widow of Pierre Bary, be cited before the Council to render account of said succession and pay costs. Signed: Chaler.

Dec. 18. Permit to cite signed: Lenormant. Dec. 18. Notice to appear before Council on the 13th day of next January, by Sheriff Lenormand.

(Document stained and torn in right and lower margins.)

Dec. 16.

Notice of seizure and citation served on De Meyere.

By virtue of M. Salmon's order of last Sept. 9th, at the bottom of the petition presented by Antoine Le Moine, Chantalou, huissier, (Sheriff) arrested Sr. Jacques de Meyere in person, residing in the house of Sr. Vauparin, all the money and all goods whatever, which he owes to Sr. Gerard Pery, in the house of Sr. Antoine Aufrere, forbidding said Chantalou to desist until condemned to turn them over to Sr. Lemoine; moreover Sr. Le Moine is cited to appear before the Council at its next session.

On the sixteenth of December, 1743, after petition and election of domicile, the seizure and decree were served on Sr. Pery, in the house of Sr. Aufrere, speaking to him personally, that he may not plead ignorance, declaring the said seizure, valid, and order that the money seized from Sr. Meyere, be delivered to Sr. Le Moine, in deduction of his debt, principal, interest and costs, and order to appear before Council at its next session, at nine in the morning, leaving copy of the petition, order of seizure and of this notice which was certified. Signed: Chantalou.

Dec. 18. 1 p. (23619)fo. 24. (3750)

Contract for deer-skins.

Obligation by Louis Duval, resident of Natchitoches, to Renée Gourmy, Widow of Louis Blard, called Saint Louis, for deer skins in parchment, in the quantity he is able to make in six months counting from this day, at 40 sols a piece, the said Widow Blard promising to pay him on delivery of said pelts, which will be good and merchantable, the number not limited, for security of which agreement each obligates all his movables and immovables.

Signed: renée gourmy widow of St. louis Duval. Chantalou. Cantrelle. Henry (paraph) Ntry. Margins ragged.

Dec. 19. (23621)(3751) fo. 24.

Discharge by Trenaunay to his brother in France. Discharge between M. Claude Trenaunay de Chanfret, subdelegate of M. Salmon at Pointe Coupée, to his brother Joseph Trenonay*, a resident of Voiron, all the sums which revert to him on the patrimonial and matrimonial goods, and interest thereon, to this day.

Trenaunay Signed: Chanfret. Chantalou.

Cantrelle. Henry (paraph) Ntry.

Stained and ragged, date torn, but set down approximately following the pagination.

Dec. 19. (23616) (3549) fo. 24.

Donation by Sr. Trenaunay to h.s nieces. Before Notary Royal of Louisiana, in the presence of witnesses, Sr. Claude Trenaunay de Chanfret, subdelegate of M. Salmon at Pointe Coupée, desiring to prove his friendship to (blank space) both daughters of M. Joseph Trenaunay and his wife, makes donation pure and simple of all the movables and immovables which may come to him from the succession of M. Abel Trenaunay and of deceased Prudence Barut, his father and mother, that the two Misses Trenaunay may enjoy them when they will have attained their majority or that they be married. For any reason whatever, nothing may be reduced on this donation, for validity of which Sr. Claude Trenaunay consents that it be registered where need may be from this moment.

Signed: Trenaunay. Chanfret. Cantrelle.

Chantalou.

Henry (paraph) Ntry.

Dec. 19. (30934) (4461) 2 pp.

Kegistered. Testament of Sr. Nouguez. "On this day at seven o'clock at night, on his request, we went to the house of Sr. Nouguez, where in the room next to the parlor we found Sr. Pierre Nouguez, lying ill in bed, but in full possession of his memory and intelligence, who dictated to us his last will." Donations made to Charlotte Gallo and Marie Francoise Gallo, to Sr. Erpignan his nephew, to the fabric of the Church for a church that is to be constructed. As executor of this testament he named Marie Therese Drillant, widow of Sr. Julien Gallot, at present his wife.

Signed: Nouguez. Thiton de Silegue. Soubie.

Sallouv. Garic, notary.

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Dec. 24. (23521) 13/4 pp.

Petition for homologation of the will of Philippe Harnault of Pointe Coupee.

Petition by Claude Trenaunay de Chanfret, testamentary executor of will of Philippe Hénaut,* following his testament of last November 9th, for homologation of said will to be executed in its form and tenor, and in consequence to allow the sale of all the goods of said deceased after compliance with the formalities prescribed.

Signed: Trenaunay Chanfret.

Dec. 24. To be submitted to the Procureur
General.

Salmon.

Demand for homologation of will.

*Also Hainault, Haynaud. Seen the testament of Nov. 9, of the present year, Procureur General, in the king's name demands that it be declared good and valid and that it be homologated to be executed in its form and tenor and that the testamentary executor be put in possession of the goods of deceased Philippe Hénault, to dispose of them, according to will of the testator after the debts are paid.

fleuriau.

Council orders

Sr. Trenaunay put
in possession of the
effects of the
decedent.

Dec. 24. Seen by the Superior Council of Louisiana the petition of Sr. Trenaunay de Chanfret with the last will of Sr. Philippe Hainault, received by Louis Potin, in the presence of the Curé of Pointe Coupée and witnesses, the conclusions of the Procureur General, following which the Council has declared the testament good and valid and ordered that it be executed according to its form and tenor and that the said Sr. Trenaunay be put in possession of the goods to be disposed of as he willed once the debts will have been paid. Salmon. Fazende. Raguet.

Dec. 26. (23626) 1³/₄, pp.

Petition to Superior in his own defense by de Meyere.

A Sound

"Livaudais.

Petition by Jacques de Meyere, former proprietor of the snow La Chevalliere, residing at Martinique, and detained in this Colony since six months following declaration and protest which he has made by several petitions and memorials, and other acts of justice before the Tribunal of the Superior Council on suits pending before it against Sr. Pery, merchant of New Orleans, stating that by the decree of Nov. 29 of the present year he was condemned to pay said Pery the sum of 2,166 piastres, on report of arbitrators, particularly on that of the Captain of the Port* who has no knowledge of the commerce now made with Spain, having gone there but once, eleven years ago, to conduct a wrecked crew, as an officer of His Majesty, and without any commerce. He prays that inquiry be made in form before one of the members of the Council, there being now several captains on a visit to this City, who can tell of commerce as it is carried on since a few years, and if the petitioner did any more than usual on the cargo at the said place. The petitioner has recourse to this formality to justify himself in this Colony and in those where he may return.

Document with ragged margins and part of text missing.

(23623)3 pp. Declaration by De Meyere of appeal to the Privy Council

Dec. 26. Declaration by Jacques de Meyere before Notary Royal of Louisiana and witnesses, giving his residence, the cause of his detention, reciting the wrongs and damages which he suffers and those he foresees, which he proposes to bring to the Privy Council of State of the King; That he sailed from Vera Cruz to this City and that Sr. Pery, against ordinary formalities, laws and customs obtained seizure of all chests and effects belonging to petitioner, as a fugitive. When he came to ask an account of effects left by him at his departure Sr. Pery showed unusual violence, and his affairs and demands being brought before the Council, it turned them over to three arbitrators, on whose report the Council condemned him to pay the sum of 2166 piastres to Sr. Pery. He asks that this affair be submitted to those familiar with the commerce at this time, and protests generally against all Sr. Pery has done, claiming expense, damages, Sr. Pery has done, claiming expense, damages, interest, costs of voyage, his lodging and board from the day of his detention; To proceed validly in presenting his suit to the Privy Council of State, he elects his domicile in the house of Maitre Gridee (?) Councillor, secretary of the King and advocate in the Council of His Majesty, residing in Paris on Haute-feuille street, Parish of St. Cosme, where he intends that all notifications be addressed to him. This declaration was made in notarial office on the 3d of Jan., 1744, in the presence of Francois Gallot and Pierre Ancelain, merchants of New Orleans.

Signed: F. Gallot. De meyere. Ancelain. Henry (paraph) Ntry.

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(To be continued)

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INDEX TO THE SPANISH JUDICIAL RECORDS OF LOUISIANA XXV.

March-October, 1777. (Continued from April, 1929).

By LAURA L. PORTEOUS

March 13.

Criminal Prosecution of the negroes Cezario, Francisco, Christoval, Noel and the negress, Marguerita for breaking into and robbing Widow Courtebleau's house. No. 3671. 58 pp. Court of Alcalde Francisco de Villiers. Assessor, Cecilio Odoardo. Escribano, J. B. Garic.

The case opens with Chevalier Francisco de Villiers' announcement that a robbery has been reported to him by Widow Courtebleau who complains that the night before she had slept at Feliciana Porneuf's house having left hers closed and locked. When she returned she found a window broken, an entrance effected and an armoire that was closed with a key had been opened by force and 60 pesos that were in one little sack and 37 in another, both in a

small box closed with a key. In the sacks there were some old coins and two Crowns (Escudos) of three livres, in French money, four colored handkerchiefs, four muslin ones and others of different qualities, the number not mentioned, oranges, sugar and silver buckles and all of these things were taken away. The Alcalde and the escribano went to the house to inspect the broken window and armoire. They found the window frame and wooden latch scarred and the lock of the armoire raised. He wishes to punish the perpetrators of this crime with the greatest severity which the law permits. He orders the escribano to record and to certify to the broken window and armoire and to make enquiries so as to discover who were the authors of the crime and for this purpose he must summon all persons to appear who may have any knowledge of the robbery.

Garic records the crime and certifies as he was ordered to do and calls witnesses. The first to appear is Rene or Renaldo Saulet, who on March 14, the day following, testifies that on the night before at nine o'clock he found a negro in Christoval's, his slave's cabin said to belong to Esteban Baure, whom he thinks is a fugitive. He carried with him a bundle of clothes. He suspected him not only to be a fugitive but a thief as well, so he brought him to Alcalde de Villiers. At this point the escribano

was ordered to open the bundle of clothes to see what it contained and to make a record of the contents as it relates to this cause. He must also take a declaration from the two negroes and put them in the public prison for safe keeping. If the clothes belong to Mrs. Courtebleau return them to her. Garic examined the bundle in the presence of Chevalier de Villiers, it was found to contain ten handkerchiefs and two ells of flannel. Mrs. Courtebleau, who had been summoned, identified the handkerchiefs as hers but not the flannel. A negro who said he was named Cezario and that he belongs to Antonio Maxent, declared that the flannel was his and that he had given it to Francisco in exchange for some rice which he promised and failed to deliver. As the flannel was given in the nature of payment for a commodity which he did not receive he reclaimed the goods. The Alcalde orders it returned to him.

Two unsigned receipts are filed here because the parties could not write, the first supposedly Mrs. Courtebleau's for the ten handkerchiefs, the second for two ells of flannel returned to Cezario. This is followed by Warden Francisco Munoz' certification that he holds in the public prison for robbery, Francisco, Esteban Baure's slave.

Francisco's declaration made before Alcalde de Villiers and Garic is to the effect that he belongs to Esteban Baure, he was taken prisoner in Christoval's cabin at 9 o'clock of the night of the 14th, as a run away slave, which he really was from the 8th. Saturday night he slept in the city with Antonio Maxent's Cezario with whom he took his meals for one day, then he went to the woods. He slept another night with Christoval and on the night of the 12th after passing the day with him he came to the city with Cezario who arranged with him to settle on a night to go to steal some money. They agreed to make the robbery together and picked out Mrs. Courtableau's house for this purpose. They went to the back of the place where they broke the fastenings of a window and en-They did not see anyone there so lit a candle they They forced open the armoire and found a small box which they carried away together with nineteen handkerchiefs and a pair of silver buckles. They also stole a little sugar that was on the chimney piece. They opened the doors of a cupboard from which they took some oranges that Cezario carried away. They left the house by the same window they entered. They took the box to Cezario's house where they opened it and found the two little sacks of money, but he does not know the amount they contained because Cezario went out with them saying that the day following he would divide the money. That night he went and slept on the banks of the river and in the morning at ten o'clock he went to see Cezario about the division of the money. He answered that he had not had

time to attend to the matter, but to come back at 12 o'clock and he would give him his share. He went at that hour but Cezario said he could not divide the money then as there were too many people around, but to come in the afternoon. When he did return he did not meet anyone but the negress, Marguerita, who told him that Cezario had left 4 pesos for him. The night of the robbery, Cezario gave him 14 handkerchiefs which he took with him when he retired to Christoval's cabin where he was arrested.

On March 17, 1777, Chevalier de Villiers signs the order for the arrest of Antonio Maxent's Cezario, and Marguerita mentioned in the foregoing declaration as well as for Christoval. Gosson reports the arrest of the first two and Enrique Metzinger the third.

Cezario is the first to be questioned:

- Q. Where did he spend last Wednesday and where was he that night?
- A. He did not leave his master's house either during the day. or at night.
- Q. Does he know Mr. Baure's negro?
- A. He knows him very well because he used to belong to his former master, Nicolas Forstall, his name is Francisco.
- Q. Has Francisco slept in his house at any time and when?
- A. He had slept there for more than four months, but after he passed into Mr. Baure's possession he did not come to his house to sleep but before that he came many times.
- Q. Does he know Francisco to be an honest man attentive to his obligations?
- A. Because Francisco did not remain with his master, but was hired out to one called Cadet Sastre, he does not know if he is of good morals or not.
- Q. Did he know anything of the robbery at Mrs. Courtebleau's?
- A. He did not know of the robbery until they were ordered to look for him last Saturday afternoon when he was confronted with Francisco who is a prisoner, where he saw Mrs. Courtebleau reclaiming her handkerchiefs that Francisco had. In the same bundle there were two ells of flannel that he was called to receive and that the prisoner had said the witness had sold him.
- Q. At what price did he sell the flannel, on what day, and did he sell him anything else?
- he sell him anything else?

 A. He said he sold the flannel for a barrel of rice in straw and at the same time he sold a piece of gingham for 3 pesos all to be paid for in rice, this week. He made the sale last Thursday.

- Q. Did he know who was with Francisco on the night of last Wednesday, the 12th, and if they did not go out together to rob Mrs. Courtebleau's house at ten o'clock at night?
- A. He did not see him either that day or that night and did not go with him to Mrs. Courtebleau's house. Francisco declared before the Alcalde that he had gone with Mr. Saulet's Christoval. Francisco would not dare make the statement that he went with him to steal in the presence of the witness.
- Q. Did he not enter Mrs. Courtebleau's house by the window and did he not break the locks?
- A. He does not know anything about this. He had only seen the negro on Thursday when he made the call to sell him what he has declared above.
- Q. Did he not open an armoire in the house, break the locks and take from it a box, and what did the box contain?
- A. He can not say if Francisco opened the armoire by force or not and if he robbed it of anything because he was not with him.
- Q. If the same Wednesday night he did not go to his house to talk to him?
- A. Francisco may have gone to his house but he had not seen him all the week.
- Q. How much money was there in the box when they divided it among them?
- A. He did not see either the box, the money or the negro.
- Q. If the morning afterwards, Thursday, Francisco had not gone to his house to ask for his part of the money and that he ordered him to return at 12, and when he came at that hour he told him there were too many people in the house to come back in the afternoon then he would divide the money.
- A. This is false in all it contains and that he had not seen him except at 12 o'clock to sell him the things.
- Q. In what part of the city does he live?
- A. He lives, eats and works in his master's house and that sometimes he leaves to go to a room that Martia (Margarita) Mrs. Montreuille (Montreuil's) negress occupies in Mrs. La Forest, the Gipsy's house, to sleep with her.
- Q. If on Wednesday and Thursday and particularly Thursday, Francisco did not go to talk to him?
- A. He did not know anything of these days or what took place in the room.
- Q. Did he not give Marguerita 4 pesos to deliver to Francisco when he came.
- A. No.
- Q. Did he not know that Marguerita had given Francisco 4 pesos?

A. He did not know it and it is not true because if it had been so Marguerita would have told him. This ends his examination.

The questions and answers were read to him in a loud distinct voice and he said he had spoken the truth under oath and that he affirmed and ratified it.

Marguerita is the next to be questioned her answers are as follows:

- Q. To the first questions she answers: that she is called Marguerita, a creole and belongs to Mr. Montreuille and that she was hired to herself, giving her master 4 pesos a month as wages, and that she is twenty three years of age.
- Q. Who took her prisoner, by whose orders, where, what day, for what reason or does she suspect the reason?
- A. She was made prisoner by Messrs Gosson and Fromentin, she does not know by whose order, she was arrested this morning in her room, while she was washing her little master's sheets, she does not know the cause nor the reason why she should have been made a prisoner.
- Q. Does she know Cezario?
- A. Yes she knows him very well because he is her husband.
- Q. Did Cezario sleep with her on Wednesday night?
- A. She has forgotten because he has the habit of not coming regularly. He sleeps anywhere and she did not know if he spent that night at his master's house or not.
- Q. How much does she pay for the rental of the room that she occupies, who pays for it, who gives her her food and clothes?
- A. She pays three pesos a month rent for her room. Cezario pays it when he has the money, if not she and her mother do. For food she eats as she can and for clothes she works out by the day.
- Q. Did she give 4 pesos to Mr. Baure's Francisco last Thursday?
- A. Francisco came to her room to ask for Cezario who was not there. He then asked her for 4 pesos saying that it was in payment for carrying rice from the German Coast. She did not have the money, so she asked it of Mrs. Doriocourt's Pierrot who was there. He had some money because he sold a pig that morning. He told her that the money was to serve him for whatever he wished, then he took the 4 pesos and gave them to Francisco.
- Q. Did Cezario not return to give her the 4 pesos?
- A. She said no because they were angry and she had not spoken of this.

- Q. Did she not know that her husband had money and did he not count it in her room before her?
- A. No and that she had not seen her husband with any money.
- Q. Why had she given Francisco the 4 pesos?
 A. Because Cezario had told her before that he must give Francisco the money for carrying the rice from the German Coast and for this reason she gave him the 4 pesos.
- Q. On the same day that she gave Francisco the 4 pesos did she not see him with Cezario?
- A. Yes Francisco came at 12 o'clock to talk to Cezario and he said that he would go the morning after in Mr. Bellile's pirogue and that she did not hear anything else.
- Q. Did she not see Cezario and Francisco go out of her house together after taps were sounded?
- A. She did not see them go out together.Q. Did she not know of Mrs. Courtebleau's robbery?
- A. Yes, Mrs. La Forest, the Gipsy, had told her of it.
- Q. Did her husband not give her some oranges, sugar and handkerchiefs?
- A. He had not given her any of these things for a long time.
- Q. Did she know Francisco to be an honest man and of good conduct?
- A. She had always heard it said that Francisco was a rogue, of bad conduct.
- Q. Has it been a long time since Francisco had slept at her house?
- A. She did not know if it was last Monday or the one before that he arrived at her house. The night was damp he went out for a time then returned to go to bed on top of a bench before the fire. Upon awakening in the morning she saw him and asked Cezario who he was and he told her Francisco.
- Q. If she knew Francisco to be a rogue why did she trust him with the 4 pesos?
- A. She trusted him because Cezario told her before that he wished to give him the money to buy rice and that he being absent she gave the pesos to Francisco.
- Q. Who gave her the 4 pesos?
- A. Mrs. Doriocourt's Pierrot, who had given them to her to buy herself a coat.
- Q. Did she know where Pierrot had gotten the money?
- A. She said that it was from the sale of a pig of his that he had killed on the plantation.
- Q. What day was this?
- A. It was two months ago that she got this money from Pierrot and that she delivered it to Francisco one day last week but she did not remember the day.
- Her hearing was suspended and the questions and answers were read to her and she verified them.

Christoval is the next prisoner to be examined. In answer to the usual questions he says he is named Christoval, creole, a slave of the Saulet children, aged about forty-five. He was arrested on his masters' plantation by sergeant of militia, Enrique Medzingue with Joseph Caillier who took him to prison, he did not know on whose order, this was on Saturday night when he was in his cabin, but he does not know for what reason. When he came to the city he met Mr. Baure's Francisco in front of the Treasury. He asked the witness to pay for drinks, he answered that he had no money. They then went to Manuel's house where Francisco was given a portion of anisette and he one of cane brandy. They went away from there and Francisco took him to Marguerita's house to whom he complained because he found people in her house and that when he was with Cezario he did not need anybody else. The witness then went out of the house leaving Francisco within and immediately at the suggestion of Marguerita he closed the door and locked it. The witness so as to hear and to see went to the window to listen to what they had to say. He saw Marguerita take the money from a box and put it on the table and that after that she lit a candle and began to count the money. Later he heard Francisco say to tell Cezario that he would come back Sunday night to get the rest of the money, and also to take care of the three handkerchiefs and that when they came to the door he jumped aside so that they would not see him. Then he saw Francisco come out with a bundle under his arm that he did not have before. He said it contained his clothes that he came to get at Cezario's house and then they went together to his pirogue then they went up above on the river and were together in his cabin until his master took Francisco with his bundle.

- Q. Did he know what was in the bundle? A. No.
- Q. Did Francisco give him a pair of silver buckles?
- A. No.
- Q. Did he know if Francisco had any money?
- A. He knew very well that he had because he had seen Marguerita give it to him.
- Q. What day was he at Marguerita's?
- A. Last Thursday.
- Q. Did Francisco not sleep various times in his cabin?
- A. No, he had not seen him for years until last Thursday.
- Q. Did he not know anything of the robbery that had been committed on the Coast?
- A. He did not know anything about them.
- Q. Did he know anything about the robbery in the city at Mrs. Courtebleau's house and if Francisco had not told him of it?

- A. He knows nothing about it and Francisco did not mention it.
- Q. Why did run away slaves take refuge in his cabin?
- A. He did not know that Francisco was a fugitive when they went away together in the pirogue.

At this point Alcalde De Villiers orders the questioning suspended and on March 18 orders Mrs. Brazillier's Noel ar-This is effected by Enrique Mentzinger and the Warden of the prison, Francisco Munoz certifies that he holds Noel in the public prison. He is examined next and his testimony is to the effect that he rarely came to the city but on Wednesday or Thursday of this week he came but did not remember precisely which day it was. When he arrived he went to Marguerita and Cezario's house which was about eight o'clock. They lit a lantern and went to Mr. Voisin's to see a negro who had some pelts to sell to be used to make shoes for the savages. They had supper there and at about ten o'clock returned to Cezario's where upon entering the witness saw a negro in the court yard and warned Cezario that he was there. They entered and Cezario told the negro who was in the court yard to come in. The witness saw some one come in who had a bundle, but he did not know what it contained as he passed him in the hall when he went into the parlor to go to bed. Cezario afterwards left his house with this negro that he learned later was Mr. Baure's Francisco. Upon their return but before they went to bed he heard them break a little box that contained money. Just as soon as it was broken open, Francisco left and that after he had gone Cezario and Marguerita counted the money that was in the little box. The witness did not hear anything that was said between them, then he went to sleep. The morning after he saw Francisco with a negro called Luis belonging to Esteban Baure he said to him are you not the one who went to Cezario's house last night. He answered yes, he was the one, nothing else passed between them. He knows nothing of the robbery but suspects that the things that he saw that night at Cezario's house were the things stolen. He came to the city the Saturday after and asked Cezario to lend him four reales, wishing to use them to buy a handkerchief and he answered that he did not have even a half real. He did not believe him after seeing him count the money with Marguerita. He did not question Cezario as to how he came by the money although he saw that they were stolen. He did not know if Cezario had ordered Francisco to do the stealing or if there were any others implicated in the affair or what might have passed between

The next witness called is Francisco Seimars de Bellile's Pierrot who declares that he knows nothing of the affair or

what Marguerita claims. It is a lie that he gave her any money to take care of for him. A long time ago he killed a pig the product of which he ate and drank. It is not true that

he gave Marguerita money to buy herself a cloak.

This ends the summary investigation. De Villiers then orders the formal arrest and charge of Cezario, Christoval, Francisco, Noel and Marguerita and a certification from the Warden of the prison that he holds them. Francisco Munoz certifies that he holds the forenamed prisoners in the public

prison.

Alcalde De Villiers then takes Marguerita's confession. She first ratifies her declaration after it was read to her. To this she adds that last Saturday night Cezario had given her 59 pesos, so he said, though she did not count them, to give to her sister Rosita because she did not wish to keep them in her house for fear of losing them. Shortly afterwards he said he had won them at play and that every time he had a good stroke he made it with his own funds. At the same time she saw some handkerchiefs that she had not seen before. She was further questioned upon the testimony given by herself and others but her answers are nothing but contradictions and denials and are sufficient to prove to the Court that none of them is telling the truth.

Mr. Montreuil's Rozeta is the next to make her declaration. She says that her sister, Marguerita, had given her some pesos tied up in a handkerchief, but she did not know how much and that learning that her sister and Cezario were prisoners she suspected something. On various other occasions her sister had turned over money to her for safe keeping because when Cezario won at play she gave the money to her to keep him from losing it again gambling and would in that way be of no benefit to them. She always asked for it again in a short space of time. This is all she knows.

The Alcalde rules that in consequence of the exhibition of the money made by Rozita of which she speaks in her foregoing declaration, let the escribano make a record of it and deliver it to Maria Vincente, Widow Courtebleau. Garic certifies that he has counted the money wrapped up in a handkerchief exhibited by Rosa and that it amounted to 56 hard pesos.

The next entry is Mrs. Courtebleau's receipt for this money.

They now take Francisco's confession. He ratifies his previous testimony. He adds nothing new to his first statement and sticks to his original story that he and Cezario did the actual robbing then went to Marguerita's to divide the spoils. This is followed by Cezario's confession. He denies all knowledge of the robbery. He was asked how he could make this denial when the stolen property was found in his possession. His answer is further lies and contradictions. No

new evidence is brought out. Christoval now makes his confession which is made up of repititions and denials. He was asked why he had said he did not have the buckles and the half piece of gingham when they were found in his cabin. He claimed he did not know they were there. Noel's is the next confession. He ratifies his declaration. His attention is called to various inaccuracies of his statements and those of his fellow prisoners being tried for this robbery. All the Court can draw from him are more lies, contradictions and denials.

March 22, 1777, Alcalde de Villiers orders Rozeta arrested. This is made by the porter, Pedro Pizani. The Warden of the prison certifies to this arrest, her confession follows. After ratifying her declaration she answers the questions put to her.

- Q. Why did she hide and retain the money Marguerita gave her if she knew it was stolen and why did she not give it up before the discovery of the robbery?
- A. She took this money as on deposit for her sister, she did not know that it was stolen. When she learned that her sister and Cezario were in prison she suspected the robbery and the instant she knew she took the money to her madame, Mrs. Montreuil.
- Q. How many times had Marguerita and Cezario given her money to take care of saying it was from play, at what time and what was the amount of money each time, when did they give it to her, and to whom was it turned over on each occasion?
- A. Cezario never gave her any money. It was always Marguerita, she came three times to deliver this money to her, once 10 pesos, the second time 20 or 15 she does not remember, and the last time the money that she has turned over to her madame, knowing that it was stolen, but she did not know the amount of it having turned it over in the handkerchief as she had received it.
- Q. Is it true that Christoval and Noel were implicated in the robbery and what other slaves or free men were accomplices with them?
- A. She does not know anything of the other negroes and does not know anything of the robbery except from rumor.
- Q. Do her sister or Cezario owe her anything for the deposit of the money?
- A. No she took care of it as an accommodation for her sister.
- Q. Did she carry the money to the plantation with her or did she leave it in the city.
- A. She had not gone to the plantation but was left in the city with her madame. She guarded the money herself until she turned it over to Mrs. Montreuil.

Q. Did she not know Cezario, Christoval, Francisco and Marguerita as the greatest thieves that there are.

A. No.

Q. Why does she say that she does not know the above named to be thieves, after she has declared that when she learned that her sister and Cezario had been made prisoners she supposed it was for the robbery and that she then turned

the money over to her madame?

A. When Marguerita had turned the money over to her she said that Cezario had won it at play and that afterwards when she learned that they were prisoners and having heard by rumor that the cause of their arrest was for robbery committed in Mrs. Courtebleau's house, then she suspected that the money that was given to her for safe keeping had come from the robbery and not from gambling as they had given her to understand, so for this reason she gave the money to her madame immediately.

Q. Why does she say that she did not know what amount of money had been given to her to take care of when it appears from Marguerita's confession that she had given her 59 pesos and that only 53 of them were returned what had

she done with the other 6?

A. Her sister had not given her any money counted in front of her and that she had returned it in the same way she received it.

At this point her confession was suspended then it was read aloud to her and she confirmed and ratified it.

On April 9, 1777, Alcalde de Villiers names Francisco Broutin as prosecuting attorney in his cause. He must be notified so that he may qualify. This he does and presents his argument for the Crown by accusing civilly and criminally, the negroes Cezario, slave of Gilberto Maxent, Francisco belonging to Esteban Baure, Christoval, slave of Saulet brothers, Noel belonging to Widow Pelagia Brazellier, Marguerita and Rozeta belonging to Mr. Montreuil for robbery as charged. He asked that the two, first, be named as the actual thieves and be condemned to the full extent of the law and that the last four be punished severely as accomplices so as to serve as a public example. He sums up the evidence given, showing the falsity of it and accuses Marguerita and Cezario of having been thieves for some time so as to procure the money to pay for Marguerita's hire at 4 pesos a month, besides 3 pesos more for her room rent, which does not include food and clothing. Noel and Christoval are guilty because they harbored a thief and are accomplices as well since they knew that he should not have come from the Bayou to the city without a written permit from his owner, particularly on working days, yet he

confesses that he slept at Cezario's house the night of the robbery where he saw Francisco, and even admitted that he suspected that the things he saw there were stolen, but he kept silent about the affair. Roseta, too, is guilty because she had the stolen money in her possession for safe keeping. There is no excuse for this as she is very intelligent, is a creole and a domestic and knows very well that her sister and Cezario had been committing the robberies that had been going on for some time. Besides this she knows that it is forbidden for slaves to play games of chance and not only for negroes but for free mulattoes as well. She must have known that her sister did not earn enough money by honest means to pay for her hire, room rent, food, clothing, wood, soap, candles and many other necessities that she had to have to maintain herself, Cezario and his companions. Therefore he charges all six of the accused with being guilty of the robbery and asks that they be

punished accordingly.

This argument is sent to the six prisoners who name Leonardo Mazange as their attorney, when notified he takes up the defense of Christoval, Noel and Roseta and presents his argument in their favor asking to have them discharged from the accusation and released from prison as nothing in the testimony given proves any guilt on their part as having participated in the robbery. That Christoval gave the hospitality of his cabin to Francisco does not necessarily mean that he was his accomplice in the crime, even if he did bring some of the stolen property in a bundle under his arm. Christoval did not know what it contained and supposed it was his guest's clothes as he said. The charge against Noel is unfounded and no evidence is presented to associate him with the robbery. Nor can Roseta be implicated either, she thought her sister was earning the money when she saw her hard at work every day at her trade as a tailor. And although she may have thought some of it came from gambling she certainly had no reason to connect them with crime. It would seem that the accusations against Cezario, Francisco and Marguerita have more foundation, therefore he asks that another defender be named for them as there is no way by which he may act for them without prejudice to the others. Alcalde de Villiers orders the three named negroes to appoint their own defenders.

Cezario asks to have his master, Gilberto Antonio Maxent defend him. This gentleman answers that he does not wish to defend his negro, on the contrary he abandons him to the

justice of the Court.

Esteban Baure or Bore acting for his slave claims that Cezario seduced his Francisco, therefore he is the guilty party and should be punished to the full extent of the law and that his slave should be declared free of the crime imputed to him by the prosecuting attorney.

Mr. Roberto Montreuil declares there is nothing in the proceedings to implicate his negress, (Marguerita) as an accomplice in the crime charged against her she simply took care of the money that Cezario told her he had won gambling. He therefore asks that she be liberated from prison and returned to him.

Alcalde De Villiers orders that since Antonio Maxent refuses to defend his slave, let Cezario name another defender. He thereupon names Pedro Cowley who presents a petition in his defense. He sets forth that his client took no part in the robbery nor was he in any way an accomplice. The real thief is Francisco, who took the stolen things to Marguerita's house where Cezario was because she was an old friend of his. He did not know of the robbery so received him in good faith, therefore he asks that he be absolved from the crime and released from prison.

Alcalde De Villiers on Odoardo's advice rules that the case go on trial within nine common days and then be concluded. Let the witnesses who testified in the summary investigation ratify their testimony. Mrs. Courtebleau, Rene Saulet and Seimars de Bellile each in a separate declaration ratify

their testimony previously given.

Although this case is ordered on trial it is never tried. Immediately thereafter on September 16, 1777, Francisco De Villiers on Cecilio Odoardo's advice passes final sentence. After he has reviewed the case he says he must and does absolve Neel and Christoval of the crime and in consequence they must be liberated (from prison) with a warning that in the future they must show more prudent conduct so as not to give cause for suspicion. He must and does declare as criminals and accomplices Cezario, Francisco, Marguerita and Rosa and for this he condemns and does condemn them to two hundred lashes in the public streets mounted on beasts of burden, the crime to be called as is customary with four years labor on the Royal Works for Cezario and Francisco, the two women returned to their master, Roberto Montreuil, who must supervise, more carefully his slaves' conduct so that they may not have the facility to engage in these or like disorders, and that all together and jointly must pay costs. Let the Governor General be notified of this sentence so that it may be carried out with due solemnity. Andres Lopez de Armesto to tax costs including 8 pesos for this sentence which is the definitive judgment.

Garic certifies that he read this sentence to the prisoners.

September 17, 1777, Alcalde de Villiers rules that in order to execute the sentence to which the four slaves have been condemned, let Francisco Muñoz, Warden of the prison be notified so that he may deliver the prisoners to Nicolas Fromentin, deputy sheriff. Muñoz obeys the order so that the sentence may be carried into execution which takes place in the presence of the escribano. The prisoners were taken from the Royal Prison with the assistance of the deputy sheriff in the presence of J. B. Garic, with the aid of a party of soldiers of the Battalion of Louisiana, with the town crier going before proclaiming in a loud distinct voice the call to the following tenor:

"This is the justice that the King, Our Lord, orders" "and in his Royal Name, Senor Don Francisco De" "Villiers, Chevalier of the Royal and Military Order" "of St. Louis, Alcalde Ordinario of this city and its" "jurisdiction for His Majesty on these criminals who" "have been condemned to two hundred lashes by the" "hand of the hangman (executioner) while mounted" "upon beasts of burden."

The public executioner did as he was ordered. The criminals were conducted and beaten through the public and accustomed streets of the city and afterwards returned to the prison so as to fulfill the command of the said sentence.

Andres Armesto qualifies and taxes costs at 1022 reales.

April 28.

Sale made of his plantation at the request of Francisco Larche.
No. 3686. 5 pp.
Court of Alcalde Forstall.
No Assessor.
No escribano mentioned.

Francisco Larche asks to sell a plantation of 20 arpents front by the usual depth situated on the other side of the upper river, adjoined on one side by Mr. Macarty and on the other by the petitioner with the improvements thereon. He asks that a permit be granted him to effect a sale. Petition granted. The sale at public auction is made without the formal-

ity of the three preceding public calls and adjudicated to Charles de la Tour for 1700 pesos to be paid in the month of November next. Mariana Lerable, Widow Le Conte signs his bond as security.

May 8 (first date)

Salomon Mallines vs.
Andres Jung.
No. 3694. 10 pp.
Court of Alcalde Forstall.
No Assessor.
Escribano, J. B. Garic.
To collect a debt.

The plaintiff claims a debt of 1100 hard pesos and asks for verification of the note. The defendant lives on his plantation and has to be cited to appear. When the debt is finally acknowledged Mr. Mallines asks for a writ of execution, which is issued, but never carried into effect. The record ends here.

June 13.

Patricio Morgan vs.

Pedro Gosselin.

No. 3692. 6 pp.

Court of Alcalde Forstall.

No Assessor.

Escribano, J. B. Garic.

To collect a debt.

Patricio Morgan presents the original note and sues for 102 pesos, 7½ reales. The defendant's absence makes citation proceedings necessary. He finally acknowledges his obligation and a writ of execution is prayed. This writ is ordered issued which ends the record.

June 17.

Patricio Morgan vs.

Salomon Prevost.

No. 3610. 7 pp.

Court of Alcalde Forstall.

No Assessor.

Escribano, J. B. Garic.

To collect a bill.

The plaintiff presents a bill of 166 pesos, 7 reales for merchandise due Morgan & Mather by the defendant and asks to be paid. He has to be summoned from his plantation. He finally acknowledges the debt and a writ of execution is prayed for and ordered issued which ends the proceedings.

June 18.

Patricio Morgan vs.

Baptiste Rolland.

No. 3693. 6 pp.

Court of Alcalde Forstall.

No Assessor.

Escribano, J. B. Garic.

To collect a. debt.

Mr. Morgan presents the original note (removed) and asks to be paid a debt of 100 pesos the defendant having already paid 160 pesos on account. The suit is settled out of Court and the original returned. The costs are taxed by Andres Armesto at 7 pesos.

June 18.

Juan Campbell vs.

Juan Suriray.

No. 3675. 4 pp.

Court of Governor Unzaga.

Assessor, Cecilio Odoardo.

Escribano, J. B. Garic.

To collect a debt.

The plaintiff asks to be paid a debt of 400 pesos. The defendant refused to make an acknowledgment under oath because he said he was going to pay the debt. This, however, he fails to do and the record ends with a petition to the effect that he has not fulfilled his promise and ask-

ing that he be ordered to do so.

June 19.

Hugo Connor vs.
William Furlong.
No. 3677. 49 pp.
Court of Governor Galvez.
Assessors, Odoardo and
Postigo.
Escribano, J. B. Garic.
To collect a debt.

The first 12 pages of this record have been removed, but appear later in a Spanish translation. They are the original English documents presented as a basis for this suit. The first entry is a petition from Thomas Aston, representing Hugo Connor of London, asking to have this translation made by Jacinto Panis. It runs from page 14 to page 28

and consists of a power of attorney and a statement of accounts, etc.

Thomas Aston then sets forth that it is evident from the documents here attached that Guillermo Furlong has abused the amiability, good faith, and confidence of Hugo Connor, a merchant of London, his client, whom he trusted in a transaction with Isaac Ross, also a merchant of London concerning the freight of a brigantine called the "Diamond" in the contract that they drew up to this effect. The defendant has failed to pay his share, leaving the petitioner's client obligated to make good the part owed by his associate, whom he had trusted. Mr. Connor has actually made these payments as the account shows, in detail, that he has presented and amounts to 22503 pesos, 3 reales. Furlong's bad faith and abuse of confidence is apparent from the manner in which he proceeded from the beginning when he did not observe any of the usages and customs of commerce that the two had agreed upon for the greater security and management of their business. On the contrary he made himself master of all when he had nothing, then moved away to a great distance from Mr. Connor, domiciling himself in a foreign country so as to make prosecution for robbery difficult, with a thousand manoeuvres to confuse and to simulate the interests in hand which leaves no doubt as to the baseness of his crime. In consequence he asks for a writ of arrest against the defendant and a seizure of all his papers and property and that an inventory be made of them so that he may be paid from them the amount due his client, reserving the right to discover any that may be hidden and to impose upon him the penalties established by law governing fradulence with foreign property. He further asks that Furlong's confession be received and delivered to him. Galvez on Odoardo's advice orders the arrest and seizure of the defendant's property, and let the warden of the prison certify that he holds his person and let his confession be taken by the Assessor.

The writs are ordered issued and Nicolas Fromentin, deputy sheriff, reports that he went to Guillermo Furlong's

plantation situated on the other side of the river about three quarters of a league from the city, on July 10, 1777, and in virtue of the foregoing decree with the assistance of the escribano and that when they arrived there they asked the Widow Perry for the defendant and she answered that he was on Bayou St. John at Mr. Chalon's fishing. Then in the presence of the escribano he notified the widow of the writ of seizure and in fulfillment thereof he officially took execution as he was ordered to do upon all the movable property he found in the house which was as follows: An inventory is begun but never continued.

The plaintiff then asks that Pedro Chabert, Joseph Chalon, (Robert) Ross, Mr. Macnemara Jr., Mr. Bertrand and others that he may discover to be Furlong's debtors, be summoned, without delay, to declare under oath what sums of money or other effects they owe the forenamed and done let these amounts be seized in his favor. Petition granted.

Robert Ross is the first to testify, he declares that he does not owe Guillermo Furlong anything, on the contrary he owes him a debt that he must meet in the current year which will amount to 450 pesos. This sum has been seized with his property and is now held at the disposition of this Tribunal.

Maria Charache states that she owes Guillermo Furlong 55 pesos as a remainder due on the purchase price of a little negress that he sold her for 100 pesos, the slave still remaining in her possession.

Juan José Duforest declares that he has belonging to Mr. Furlong, nine pieces of silk of different colors and that he has sold nothing from them. He wishes the Tribunal to observe that Mr. Furlong owes him 165 pesos for another like sum as bondsman for him and that this is independent of a private account that he has with him.

Juan Adam says that he owes Mr. Furlong nothing nor does he owe him anything and that he has received three negroes on account for what Mrs. Perri owes for the plantation that he sold her before, valued at 500 pesos. He thinks that these negroes had been given to Mrs. Perry by Mr. Furlong in part payment for the plantation afterwards bought from her.

Pedro Chabert says he does not know the Englishman, Furlong and does not owe him anything. Patricio Morgan says he owes the defendant nothing. When they went to question Doña Francisco Ofrere she answered that she would go to the city to talk to the Governor herself and would not sign. When they went to look for Bertrand they were told that he had gone to the German Coast.

According to Juan B. Garic's note the plantations that he had gone to visit to receive the declarations required are sit-

uated as follows: Pedro Chabert 3 leagues from the city, Joseph Chalon 1 league, Patricio Morgan 3½ leagues, Betrand 4 leagues, Verdun 3 leagues, Mr. Perry ½ league. To take these declarations he has used up four days to go and come together with horses and provisions.

Thomas Aston states that he is about to leave the country so asks to take the original English papers with him that he has presented and that are in Mr. Garic's office, since the Spanish translation already made of them is all that will be required. He asks for a certification in due legal form to the effect that he has obtained a writ of execution for the seizure of all that belongs to the defendant and also of the amount of the debts contracted by him. Petition granted.

Thomas Aston signs a receipt for all English documents submitted by him.

The costs of the suit are taxed by Armesto at 58 pesos, 5 reales. This taxation is followed by a certified copy of a notarial act presented by Francisca Aufrere, widow of the late Gerardo Perry, who states that as it will appear from the foregoing act Guillermo Furlong has returned her plantation to her that she had sold him, subject to a mortgage, because he found himself unable to pay, having become insolvent a few days after, when his creditors took action against him in this Tribunal, praying for a seizure of her plantation. Nothing can alter the special mortgage she holds upon her own property which was seized only by formality. She asks that this embargo be raised. Galvez on Postigo's advice orders the embargo raised from the plantation.

In the act of transfer the plantation is described as containing 4 arpents front by 40 deep situated a half a league from the city going up, on the other side of the river, upon which is built a high brick house with various other edifices and a saw-mill. It is adjoined on one side by Maria Francisca Perry and on the other by the lands belonging to the Sisters of St. Ursula.

July 21.

Oliver Pollock vs.
Raimdo Escot.
No. 3695. 4 pp.
Court of Governor Galvez.
Assessor, Odoardo.
Ascribano, J. B. Garic.
To collect a debt.

Oliver Pollock claims a debt of 150 pesos, 5 reales. When Raymundo acknowledges this debt a writ of execution is prayed. This Galvez on Odoardo's advice orders issued. This ends the suit.

July 22.

Pedro Enrique Derneville vs. Santiago Beauregard. No. 3678. 34 pp. Court of Governor Galvez, and Francisco Bouligny, Lieutenant Governor, acting pro tem. Assessor, Cecilio Odoardo. Escribano, J. B. Garic. To collect a note. The plaintiff presents a note for 260 pesos which he wishes to collect, having already made many futile attempts to do so. In acknowledgment of the obligation the defendant says that the signature is his and that he owes the amount specified, and has never refused to pay the note, on the contrary he has charged various persons to tell Derneville to come himself for his money which he will get promptly if he does. This

is accompanied by a petition in which Beauregard repeats his declaration, then presents a note for 532 pesos, ½ real, which he claims Derneville owes him which he asks to have verified, so that both obligations may be liquidated. He had wished to settle these indebtednesses privately and out of Court so as to avoid expenses. Derneville acknowledges the signature and note and says the amount due must suffer a 2/5 loss as old paper money, but that he does not owe Mr. Beauregard anything, on the contrary Mr. Beauregard owes him 3019 livres, 12 sols, 2 dinero, his debt will be compensated when Mr. Beauregard will reemburse him for the rest or difference.

One note had been transferred to Beauregard by Francisco Braquier in payment for merchandise as appears from an endorsement, this note has been removed from the folio. The second originally belonged to the Pizeros succession (Juan Pizeros) and had passed through several hands before coming into possession of the defendant. These two making up the amount that he claims.

After a long drawn out wrangle, Mr. Derneville pays the difference between the two debts which settles both obligations. Then begins a second contest as to who will pay costs, each one blaming the other for same. Galvez on Odoardo's advice rules that each one must pay his own and those in common by one half each. In the taxation of costs drawn up by Armesto, Derneville pays 21 pesos, 6½ reales and Beauregard 16 pesos, 2½ reales. The record ends with Derneville's receipt for his two notes, one to the order of Mr. Braquier and the other to Mr. Pizeros. Beauregard signs for 272 pesos, 1 real and his original note.

July 24.

Intestate Succession of Miguel Triloux, called St. Eloy, Inventory and valuation of his succession.

No. 3683. 43 pp. Assessor, Cecilio Odoardo. Escribano, Juan B. Garic.

The record opens with the official announcement of the death, its verification by Garic, a collection of the keys, the certification by the two escribanos that no will of the deceased is to be found in their Archives. Alcalde De Villiers on Odoardo's Court of Alcalde de Villiers. rules to deliver the keys to Pedro Guerin whom he hereby constitutes guardian of the estate left by Miguel Triloux or Friloux

called San Eloy and that his minor children over fourteen be notified to name a curator ad lites. Pedro Guerin accepts the appointment and Miguel and Daniel Triloux name Francisco Broutin as their curator ad lites. De Villiers on Odoardo's advice then names Broutin to the same office for the three minors less than fourteen. Broutin accepts and qualifies, naming as his bondsman Carlos Fraissenet who also accepts and qualifies. All legal requirements having been complied with, the curator is confirmed in his office.

Broutin then asks for an inventory and appraisement naming Juan Monget or Mouget called Latime appraiser. This appointment is acceptable to the Court and the inventory is made before Alcalde De Villiers, Escribano Garic, Curator, Broutin and Pedro Guerin guardian of the estate. This consists of house furnishings, wearing apparel, papers, real property, etc. When the inventory is finished, Broutin and Guerin each in a separate petition ask to have it approved. De Villiers on Odoardo's advice approves the inventory and valuation

put upon it and condemns all parties to abide by it.

The minors' curator now asks for the sale of all property left. Petition granted and the three public calls are made on August 11, 14, and 17 and the auction takes place on the 21st. When the articles are offered one by one. At this time Michel Triloux or Friloux who in the mean time has become emancipated asks that all the useful articles and utensils that belong to the estate, because of a lack of a purchaser, be adjudicated to him for 2/3 their value together with all that the estate comprises according to inventory. This is sent to Broutin who opposes the adjudication to Miguel Triloux called Saint Eloy at two-thirds the appraised value because it has been valued too cheaply, but he consents to letting it be adjudicated to him for the full appraised value. This is sent to Miguel Triloux who consents to the Curator's request. Alcalde de Villiers on Odoardo's advice rules that with the curator's consent he adjudicates the estate as petitioned.

Broutin sets forth that at his request the house belonging to this succession was ordered sold, but upon the representation of his minors, made to him verbally, that if the house should be rented, the revenue from it would be enough to feed them, but on the contrary if sold the interest on the money would not maintain them. For this reason he consents to withdraw the sale and that the guardian of the estate be permitted to rent it and to use the rental to feed the minors. Therefore he asks to have the previous decree revoked. De Villiers on Odoardo's advice rules accordingly. Costs are taxed by Manuel Andres Armesto at 97 pesos, 7 reales.

Pedro Guerin, because of his many occupations, asks to be relieved of the guardianship of the Friloux estate in favor of Luis Duchaine who is an old and intimate friend of that family. De Villiers consents to the transfer provided Duchaine

gives the required bond. This ends the record.

July 28.

Carlota Castan vs.
Guillermo Wabster
(Webster) her husband to
prevent him from spending
all of her money on drink.

No. 3673. 5 pp. Court of Governor Galvez. Assessor, Odoardo. Escribano, J. B. Garic. Carlota Castan, wife of Guillermo Webster avers that ten years before she contracted a second marriage with the defendant who brought nothing to their marriage and since then has consumed what little she and her children had, left to them by her first husband, with the exception of three negroes. They are all that remain together with a small plantation which although bought is not yet paid for. All movables, jewels, clothes and merchandise her husband has

consumed with his abominable vice of drink which has taken possession of him in such a manner that for the last eight years up until the present he has done nothing but get drunk. Fully contented to have no other occupation than to be under the influence of liquor, he goes to bed, sleeps there, and just as soon as he wakes up he goes out to begin to get drunk again. For this reason he has rendered himself useless in such a way that today he is a man fit for nothing but to get drunk and scandalize the neighborhood. In consideration of which and as all the abovesaid is generally and publicly known she prays that witnesses be called and questioned according to the tenor of what she has just said and if their testimony conforms, she asks to be given sufficient power so that she alone may direct and administer her estate and that of her minor children, and that the Governor interpose his authority and judicial decree. Galvez orders the testimony taken that she offers.

The witnesses, Salomon Mallines, Miguel Lavergne, Monget Latime and Francisco Birot each in a separate declaration

states that they know Guillermo Webster, an Englishman, very well, he is accustomed to get drunk, they also know that his wife's first husband, Philipeaux left her property more than sufficient to maintain herself and her children and that since she contracted her marriage with this Englishman, her property has been diminished. They judge her capable to administer her own estate.

Galvez on Odoardo's advice then rules that the escribano must not draw up any act of transfer or alienation for Guillermo Webster and this notice must be sent to the Commanders of the Posts before whom in spite of this decree some act of conveyance might be brought about. Let an official letter and a copy of this decree be sent to them in testimony whereof. (Signed) Galvez. (Signed) Odoardo.

August 4.

Santiago Beauregard vs. Pedro Enrique Derneville. No. 3668. 14 pp. Court of Governor Galvez. Assessor, Cecilio Odoardo. Escribano, Juan B. Garic.

To collect a debt due the Ursuline Convent for the board and tuition of defendant's daughters.

This record opens with a letter written to Mr. Beauregard by Sister St. Regis, Superior of the Ursuline Convent, on August 1, 1777, and is to the effect that Mr. Derneville has contracted a debt with her community for the board and tuition for his daughters. The young ladies entered the boarding school at 400 livres (a year) the 15 of February, 1768. The first six months were paid for August 15 of the same

year. They have been at school two years and a half, at different times and one after the other which makes an indebedness of 1000 livres. They have received 150 on account leaving a remainder of 850 still due. She respectfully requests Mr. Derneville to pay this amount to Mr. Beauregard.

With this letter as a basis for his claim, the plaintiff sets forth that as it appears from the foregoing letter, Mr. Derneville owes him 170 pesos (850 livres). He asks to have him declare under oath if he does not owe this sum to the Ursuline Ladies for his daughters' tuition and let Madame St. Regis declare if it is not true that she has made over this letter to him in payment for merchandise that he has delivered, the account pending that he has with Madame St. Regis, Superior, and that her declaration be delivered to him.

Galvez rules let the two parties declare as petitioned. With regard to the Mother Religious request the Reverend Father Vicar to assist at the proceedings. Father Cyrillo de Barcelona signs an order for Mother San Regis to make the declaration requested.

Mother St. Regis declares under oath that the letter and signature to it are hers and that the debt is just that she has

made over to Mr. Beauregard. She says she is 50 years of age. Derneville says he does not owe anything to the nuns.

Santiago Beauregard then presents an interrogatorio that he asks to have Derneville answer, namely:

1.Q. Is it not true that he put his two daughters as boarders in the Nuns' Convent from February 16, 1768, until August 16 of the same year at the rate of 80 pesos annually for each one and that he paid for six months the 80 pesos that were due?

A. He knows nothing about the contents of the question because at that time he was in France.

2.Q. Is it not true that they returned to this boarding school and remained two years and a half at different times which makes for each one fifteen months amounting in all to 200 pesos of which he has paid 30 pesos?

A. Let them ask those who have put the young ladies in the boarding school that he has paid for everything.

3.Q. Is it not true that he has not paid the 170 pesos remaining?

A. He does not owe anything, he has paid everything.

4.Q. Let him declare at what time he has paid, in what money, to whom has he paid, and if he has a receipt for the payment of the 170 pesos remaining?

A. He does not remember the time in which the payment was made, he paid it into Mr. Fleuriau's hands and that his accounts with Mr. Fleuriau there is a charge for the said tuition and all has been regulated by arbitration.

5.Q. Is it not true that the Superior of the Convent has reminded him many times of the payment of the 170 pesos but that she could never collect them.

A. Only once did the Superior speak to him of the debt and that he answered her that he did not owe anything and that the Superior complained to Mr. Unzaga who took entire cognizance and saw that he did not owe anything.

Beauregard then states that as it appears from the defendant's declaration he acknowledges that his daughters were placed in the Convent, but he does not owe anything for their tuition because he paid it to Carlos Fleuriau, considering that he had paid it to the Superior and taken her receipt for it. According to her declaration she has not been paid and has made over the debt to him. He asks that Mr. Derneville be ordered to pay him the 170 pesos that are still due for his daughters' tuition and condemn him to pay costs caused or to be caused. This is ordered sent to the opposition.

Pedro Enrique Derneville answers that he did not put his daughters in the Convent, neither did he make any agreement for the payment of their board and tuition, as he was not in

the Colony at the time. Mr. Fleuriau put them in the Convent therefore it follows that he does not owe anything. Besides it is to be presumed that Mr. Fleuriau paid the tuition and if he did not then this suit must be directed against him. Firstly because a tuition and board bill that has no particular agreement must be paid in full every three months. Secondly not having demanded this payment of accounts at the proper time the Superior of the Convent, according to law loses her right to bring action against him. Since the nuns have chosen to pass so many years without having asked for anything it is to be presumed that they have been paid by those who put the young ladies in the Convent which was done without his knowledge or consent, although he has been obliged to reemburse Mr. Fleuriau for sums paid to the Convent for the Misses Derneville's schooling. He asks to have the plaintiff's suit excluded firstly because he has taken in payment a debt founded upon a letter that may be called a contract and not a debt. Secondly if the debt is established it can not be charged against him as he swears in the best form of law that the debt has been paid and that he does not owe anything.

This is ordered sent to Mr. Beauregard, who answers, saying that his opponent contradicts himself in his last written document. He says that the board bill has not been demanded in Court when it appears to the contrary by his own declaration on page 7. He says there that the Superior complained to Mr. Unzaga and that she also spoke to Mr. Derneville of the debt and as it appears this sum has not been paid to the Superior he asks that Derneville be ordered to pay him the 170

pesos.

This is sent to the defendant who says he has nothing to say in answer to this suit which does not concern him. Let them take action against Fleuriau. For this reason he will not accept the records of the case. To this declaration the plaintiff answers, since he refuses to accept his last petition and will not answer it he asks that he be condemned to pay the amount due together with costs. Galvez on Odoardo's advice orders the case to go on trial within five common days. This ends the record.

August 6.

Emancipation of
Thomas and Charles
Poree.
No. 3698. 5 pp.
Court of Governor Unzaga.
No Assessor.
Escribano, J. B. Garic.

The petitioners present their baptismal certificates dated Parish of St. Anne in Canada, Bishopric of Quebec, the first on March 15, 1753, is to the effect that Father Luc Recolet baptized Thomas, son of Thomas Poree and Marie Louise Vincent, the god-parents were Francois Milly and Marguerite La Borde, wife of Michel

Dogaret. The second is on April 6, 1756 and is to the effect that Father Juvenal Recollect, baptized Charles, son of Thomas Porce and Marie Louise Vincent. The god-parents were Charles Philibert and Magdelaine Vincent wife of Mr. Durand. They now set forth that as it will appear from these certificates Thomas Poree is twenty four and Charles twenty two. It is convenient to their rights that witnesses, who they will name, be called to testify if it is not true that for the last four years they have managed their affairs themselves without the protection of their parents and that they negotiate business transactions in this city and that all persons with whom they have had dealings have found them capable and have full confidence in their ability to handle their interests. If the testimony of their witnesses conforms to what they have said they ask to be emancipated and given the right to manage their own affairs.

The witnesses Juan Suriray de la Rue, Martin Braquier and Charles Faissenet each in a separate declaration states that Thomas and Charles Poree are honorable men and enjoy the confidence of all who know them. They are fully capable of managing their own affairs which they have been doing for more than three years. They have extensive commercial interests in the city and enjoy full credit and they have never heard any complaint against them. The record ends with the witnesses' testimony. There is no judgment.

August 26.

Juana Adam, wife of Antonio Conard petitions for permission to sell a house belonging to her patrimony because she has been abandoned by her husband.

No. 3666. 3 pp.
Court of Governor Galvez.
No Assessor.
Escribano, J. B. Garic.

Juana or Jannet Adam, wife of Antonio Conard, called La Forest, sets forth that her husband left her about three or four years ago and has gone to live in a very far, distant town in the Province of Jejas without any hope of his return. He has left nothing for her support. For the last two years she has found herself broken in health and it has become impossible for her to apply herself to any sort of work to gain her living, nor has she the

means to have herself cured, nor to pay her obligations. To maintain herself in the future she must sell the little house she owns that was bought with funds from her paternal inheritance which she now asks permission to do.

Salomon Mallines, Juan Nicolat Vebert and Francisco Lioteau are called and each in a separate declaration says that he knows Juana Adam, wife of Antonio Connard called La Forest very well and that he left his wife about four years before. He was noted for his bad conduct and drunkeness and that he went up above with the Indians, having left his wife without a cent and with many debts to pay, contracted by him. This is publicly and generally known: Mrs. Connard when she married brought as her dowry 3000 livres which were used to buy the house in which she lives, her husband brought nothing to the marriage, having dissipated everything he had before his wedding. It is to the best interest of the petitioner to sell because of her infirmity it is impossible for her to work. After receiving this testimony, Galvez on Odoardo's advice grants Juana Adam the power and faculty to sell authorizing the written document necessary for her to off ist value off es.

August 28.

The preliminaries being gotten over, the will is filed and is to Testate Succession of Juan the effect that the testator, Juan Pizereaux or Pizeros. Pizeros was born in the Parish No. 3699. 264 pp. of San Setier near the city of Courts of Alcaldes De Limonges, in France, son of Pedro Villiers and Dufossat. Pizeros and Juana Mazumes. He Assessor, Cecilio Odoardo. married Cecilia (Le) Vasseur Escribano, J. B. Garic. and by this marriage he has four

children, Maria Juana, aged fourteen, Francisco twelve, Anica six and Joseph four. At the time of the marriage neither had any dowry, whatever he may leave they have made together by their joint labor. He wishes a true and just inventory and appraisement made of the estate so as to know the part that belongs to his wife and what should go to his heirs, but it is not his wish that his property be sold and divided until his children have reached the age of twenty-five, unless his wife should contract a second marriage. In that case a partition should be made. Should his daughter Maria Juana marry he wishes her paid on account for the part that belongs to her from his inheritance at the time of her marriage, 3000 pesos, this is in no way to be a partition and will be deducted from her share when this shall be done. His children are minors less than fourteen therefore he names his wife their tutrix and after they pass the age of fourteen until twenty-five, unless they marry he names her curatrix as well. He wishes all of his debts paid, particularly those due to Antonio Marmillon, whom he names testamentary executor. He appoints his wife guardian of the estate.

De Villiers, on Odoardo's advice rules: as it appears the testator named his wife, Cecilia Le Vasseur, guardian of his estate deliver to her the keys that were gathered up at the beginning of this process and notify the minor fourteen years of age to name her curator. Mrs. Pizeros receipts for the keys and Maria Juana Pizeros names Francisco Broutin as her curator. This appointment is satisfactory to the Court that in turn names him curator for the three other minor children. Broutin accepts and qualifies naming Louis Le Sassier as his bondsman. The act of curatorship is confirmed and Francisco Broutin petitions to make the inventory and appraisement of the estate. This De Villiers orders done, the parties to name their appraisers.

Cecilia Le Vasseur, widow of Juan Pizeros owing to ill health names Leonardo Mazange to represent her interests in the settlement of her husband's succession. Broutin names Luis Le Sassier as appraiser, who qualifies. The widow names Nicolas Lambert who also accepts and qualifies. Alcalde de Villiers then names September 10, as the day for the taking of the inventories. The deceased left a very extensive estate which runs from page 25 to page 124, it consists of household effects, etc. Most of the property is situated in the country so Alcalde Francisco de Villiers, escribano Juan B. Garic, attornies Broutin and Mazange, Mrs. Pizeros, Antonio Marmillon, testamentary executor and the appraisers, Le Sassier and Lambert all went in a pirogue with four rowing, to the plantation for a continuation of these proceedings. This plantation is situated 2 leagues from the city, upper river, this side, there they also found house furnishings, provisions, wearing apparel, tools, implements, horses, mules, cattle, sheep, pirogues, slaves, houses and buildings, lands, etc., measuring 20 arpents front by 80 deep adjoined on one side by Alexandro De Clouet, now Commander at Atacapas and Opleousas and on the other side by Mr. La Freniere Le Sueur. Over and above there is another piece of land consisting of 100 arpents measuring around named "Ulbarmente Barrierres," besides several other parcels of land. The active mass amounts to 32568 pesos. The inventory of the papers shows quite a number of outstanding debts due the testator. There are also a few debts that Mr. Pizeros owns.

The curator and the widow then ask to have the silver-ware appraised by Nicolas Vebert. He accepts and agrees to make the appraisement, proceeding to do so. This raises the value of the estate by 104 pesos, or to 32672. He then appraises the house in the city which is valued at 2400 pesos, this increased the value to 35072 pesos. Some papers were found in the city which were also inventoried. (This is quite an extensive estate for two people to have acquired in about fifteen years. The deceased said in his will that he and his wife started their married life with nothing.) The interested parties then ask to have the inventory approved. With the consent of both parties de Villiers on Odoardo's advice approves the inventory and appraisement made and condemns the parties to abide by it. Let the records of the case be

delivered to the curator so that he may promote what corresponds to his representation.

Mr. Broutin then moves that Mrs. Pizeros give an account and sworn statement of the estate in her charge so that the share belonging to each of the minors may be made evident. This is ordered done within fifteen days. Mrs. Pizeros answers that according to her husband's will he did not wish a partition of his estate made until the youngest child was 25, but that she can not continue the community with her children which is not according to law. In order to avoid difficulties that might result from the accounts of the administration she asks to have the estate adjudicated to her at the price of its appraisement. This request is sent to Broutin who consents to the adjudication provided the widow gives bond for the part that belonged to the minors. De Villiers on Odoardo's advice rules that with Broutin's consent let the estate be adjudicated to Mrs. Pizeros under the conditions stipulated.

Cecilia Le Vasseur, widow Pizeros files 7 vouchers and gives her accounting as:

RECAPITULATION

	Pesos		3
Liquid	RemainderPesos	31226	(5)

She calls attention to the fact that some notes and accounts are not yet paid because the debtors are absent. She then asks that her sworn statement be approved and the parties be condemned to abide by it. This accounting is ordered sent to Broutin, who contests it, giving his reckoning as:

RESUMEN

		Pesos		6 3
Liquid	Remainder .	Pesos	42515	3

This is ordered sent to Mrs. Pizeros, who presents one of her husband's original notes dated July 18, 1777 for 1500 deer skins good and marketable, the bearer to be paid September next. She says she agrees to abide by the reckoning presented by the curator subject to some few changes and corrections which she proceeds to state. She mentions two more of her husband's debts one for 750 pesos which she has paid as will appear from the note that she duly presents and another of 400 pesos due Mr. Marmillion in conformity to her

husband's will which has been filed with these proceedings. These amounts must be added to Mr. Broutin's debit.

The curator then asks to have the costs of the case taxed. This is done by Manuel Andres Armesto on December 16, 1777, at 607 pesos, 5 reales. Just prior to the taxation Odo-ardo rules to send the case on trial within 9 common days.

The next entry is Antonio Marmillion's petition stating that it is evident and will appear from the deceased's will that the settlement of his succession has necessitated much labor to regulate all his accounts both active and passive, this he has fulfilled punctually making all collections for the succession and paying all debts, particularly those due in this Province. This is manifested in the account and sworn statement which the widow has given. He therefore asks that his own fee be adjusted and that he be given what belongs to him according to law. De Villiers on Odoardo's advice orders Armesto to adjust the fees that belong to the petitioner.

Cecilia Le Vasseur states that this cause has been received for trial and as the time has passed for a publication of the proofs she asks that the records of the case be delivered to her to allege as well proven. This is ordered sent to the curator, who answers consenting to the publication of the proofs and that the records be delivered to allege as well proven. Dufossat, the alcalde now in charge of the case on Odoardo's advice orders a publication of the proofs and the records

turned over to the parties for argument.

The first to be presented are those of Francisco Broutin, curator ad lites to Juan Pizeros' minor children against Cecilia Le Vasseur, their mother. He simply asks to reproduce his petitions on pages 138 and 164 and everything else favorable to his cause. The widow then presents her proofs and asks to have her accounting presented on page 149 together with

all the vouchers attaches and the inventory.

Mr. Broutin then asks to have his accounting presented on page 164 approved. With regard to the last vouchers filed by the widow, with the exception of the expenses for food and mourning all things enumerated by her are exorbitant. Guido Dufossat on Odoardo's advice rules: After duly examining the records particularly the accounts and sworn statements presented by the widow and the curator, His Honor says that he approves and does approve the account that the widow has agreed to with the exception of the last two entries 750 pesos and 400 pesos respectively, otherwise he finds the reckoning just. This would reduce the assets to 35772 pesos and the debts to 2517 pesos, 7 reales, with a reservation for the active debts that Marmillion might collect. These will go into the body of the estate following the manner of the division which will be drawn up by the escribano together with the taxation of costs.

Antonio Marmillion, testamentary executor presents a number of new vouchers consisting of receipts, bills, notes, etc., and starts the litigation all over again. He presents an account and sworn statement which reads:

RESUMEN

	Pesos Pesos		2 4
Remain	nderPesos	142	6

Cecilia Le Vasseur contests this resumen and gives her reckoning on the new vouchers as:

RESUMEN

	Pesos Pesos		1
Remain	nder Pesos	3190	

Francisco Broutin contests the widow's figures and gives a new set as:

RESUMEN

Assets, in full		21/2
RemainderPesos	34207	21/2

He states that after deducting costs from this sum of 34207 pesos, $2\frac{1}{2}$ reales, one half belongs to the widow and the other half must be divided among the minor children, with a reservation for the collection of the active debts by Mr. Marmillion. This amount will be divided conformably to the plan of partition that the escribano will make. Dufossat orders the partition made.

The division is made on the basis of an estate of 33766 pesos of which the widow will receive 16883 pesos and a like amount will be divided among her children. Certain debts have to be deducted and paid out of both portions. Costs taxed at 125 pesos, 3 reales.

Francisco Broutin and Cecilia Le Vasseur each in a separate petition ask to have this partition approved because it is found to be according to law and that all parties be ordered to abide by it. Dufossat rules accordingly. This ends the

(To be continued)

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